

**Final Statement of Reasons--Family Temporary Disability Insurance  
Addendum III 45-Day Public Comment Period**

<b>Commentator Number</b>	<b>Name of Commentator and Source of Comments (refer to Addendum I for location of comments in rulemaking file)</b>	<b>Topic</b>	<b>Summary of Comments</b>	<b>Response</b>
23	Clint D. Robison, letter dated October 14, 2003, pg. 10 top of page	ISR Consideration of Alternatives	The EDD failed to make a determination with supporting information that no alternative would be more effective, as effective and less burdensome to affected private persons than the proposed regulations.	The Department has complied with the APA requirements and concluded that regulations are the only means to ensure the best interest of the program and to maintain consistency and provide clarity.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 8 lines 5-10	ISR Consideration of Alternatives	Commentator states that alternatives were not solicited as required by the APA.	
1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 2, 5th par, October 15, 2003 hearing transcript pg. 7 line 24-25 through pg. 8 lines 1-13	ISR Fiscal Impact	The Fiscal Impact is incorrect because of the tremendous cost of employee absences.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
16	Nancy Leonard, e-mail dated October 15, 2003, page 1, 2nd paragraph	ISR Fiscal Impact	The Initial Statement of Reasons incorrectly states that there is no adverse statewide economic impact to California businesses.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
16	Nancy Leonard e-mail dated October 15, 2003, page 1, 1st paragraph	ISR Fiscal Impact	The Initial Statement of Reasons incorrectly states that there will be no fiscal impact to any state agency.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs to any state agency.
23	Clint D. Robison, letter dated October 14, 2003, pg. 9, 2nd par. Public hearing October 15, 2003, Exhibit C, pg. 2, 1st par; Public hearing October 15, 2003, Exhibit 2-c, pg.8, 2nd par.; October 15, 2003, hearing transcript pg. 26, lines 21-23. October 15, 2003, hearing transcript pg. 41, lines 8-25 and pg. 42, lines 1-5.	ISR Fiscal Impact	Regulations fail to address the potential for adverse economic impact on businesses and individuals.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.

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23	Clint D. Robison, letter dated October 14, 2003, pg. 9, 3rd par; Public hearing October 15, 2003, Exhibit 2-c, pg. 8, 4th par. October 15, 2003, hearing transcript pg. 42, lines 6-25 and pg. 43 lines 1-2.	ISR Fiscal Impact	The Fiscal Impact in the Initial Statement of Reasons uses conclusory statements rather than making the required assessment and analysis, provides no data and cites no authority.	The Department has complied with the APA requirements in determining fiscal impact. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
23	Clint D. Robison, letter dated October 14, 2003, pg. 9, 4th par	ISR Fiscal Impact	The Initial Statement of Reason Fiscal Impact reflects a failure to plan for obvious cost factors such as additional staffing for the state to implement and administer the program.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
5	Julianne Broyles letter dated October 15, 2003, Pg. 5, 3rd par, in September 23, hearing transcript pg. 8 lines 2-10	ISR Fiscal Impact	In the Initial Statement of Reasons the Department fails to adequately address whether there is an adverse statewide economic impact.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
5	Julianne Broyles September 23, 2003 hearing transcript, pg. 8 lines 7-10, October 15, 2003 hearing transcript pg. 19 lines 10-25 and pg. 20 lines 1-2	ISR Fiscal Impact	Commentator states that EDD did not (prescribe) determine the cost impact on private persons or business.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
5	Julianne Broyles September 23, 2003, hearing transcript, pg. 8 lines 11-17	ISR Fiscal Impact	Regulations fail to meet APA standard for assessing extent of job and business creation or elimination.	The Department has complied with the APA requirements in determining fiscal impact. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 8 line 18-25 pg. 9 lines 1-3	ISR Fiscal Impact	The Fiscal Impact in the Initial Statement of Reasons fails to meet APA requirements by not providing description, information, report or assessment.	The Department has complied with the APA requirements in determining fiscal impact. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 8 lines 23-24, Exhibit 1a September 15, 2003 hearing pg. 2, 1st bullet	ISR Fiscal Impact	The cost impact analysis in the Initial Statement of Reasons is deeply flawed.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the various statutes which created the PFL program.
5	Julianne Broyles via Exhibit 1a September 15, 2003 hearing pg. 4, 1st bullet and 2nd par 3rd bullet	ISR Fiscal Impact	Commentator disputes that regulations will have no cost to state government.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on State government.

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12	Marcy B. Feuerstein, via e-mail, dated October 7, 2003, Pg. 1, 1st par.	ISR Fiscal Impact	The Department has failed to consider the economic impact on the employer. Co-workers will have additional responsibilities and duties due to an employee on leave. Employers are impacted and must still comply with CalOSHA requirements regarding crew sizes for certain jobs.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 15 lines 23-25, pg. 16 lines 1-3	ISR Fiscal Impact	Commentator strongly disputes that the regulations have no cost to California business.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
5	Julianne Broyles letter dated October 15, 2003, Pg. 6, 1st par., in September 15, 2003 hearing transcript pg. 8 lines 17-19, October 15, 2003 hearing transcript pg. 20 lines 19-25 and pg. 21 lines 1-7	ISR Fiscal Impact	The Initial Statement of Reasons does not address impacts to California businesses because the FTDI program places California at a competitive disadvantage with similar businesses situated in different states.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the FTDI program. Thus, these regulations do not by their terms place California at a competitive disadvantage with similar businesses situated in different states.
1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 2, 5th par	ISR Small Business Impact	Commentator states that the additional cost may cause significant financial stress on the employers, particularly small employers.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on small businesses.
5	Julianne Broyles letter dated October 15, 2003, Pg. 5, 4th par, in September 15, 2003 hearing transcript pg. 8-9 lines 24-25, 1, October 15, 2003 hearing transcript pg. 20 lines 3-18, Exhibit 1a September 15, 2003 hearing pg. 2, 1st bullet	ISR Small Business Impact	The Initial Statement of Reasons is incorrect because it does not account for costs imposed on California businesses, particularly small businesses.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on California businesses, particularly small businesses.
5	Julianne Broyles letter dated October 15, 2003, Pg. 6, 3rd par, in September 23, 2003 hearing transcript pg. 7, lines 18-25, pg. 8 line 1, October 15, 2003 hearing transcript pg. 24 lines 3-5	ISR Small Business Impact	Proposed regulations fail to meet APA requirements to examine cost impact of small businesses.	The Department has complied with the APA requirements in determining fiscal impact. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on small businesses.

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5	Julianne Broyles September 23, 2003, hearing transcript pg.9 lines 9-12	ISR Small Business Impact	Commentator disagrees with Small Business Impact statement that regulations do not require small businesses to take any action or refrain from action.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms require small businesses to take any action or refrain from action.
5	Julianne Broyles September 23, 2003, hearing transcript pg.9 lines 4-9	ISR Small Business Impact	Commentator disagrees with Small Business Impact statement that regulations will have no impact on small business.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on small businesses.
10	Mike Falasco, via fax, dated October 15, 2003, Pg. 2, 2nd par.	1237 CUI	Regulations do not address whether new FTDI benefits are covered by CUI Section 1237 which provides anti-retaliatory protections for workers claiming UI or SDI.	Regulations are not necessary because CUI Section 2602 provides that the provisions and definitions of Part 1 of Division 1, (commencing with Section 100) including Section 1237, apply to Part 2 of Division 1 (commencing with Section 2601), including Chapter 7 (commencing with Section 3300).
5	Julianne Broyles letter dated October 15, 2003, Pg. 6 & 7, last & 1st par, in September 15, 2003 hearing transcript pg. 14 lines 24-25, pg. 15 lines 1-6, October 15, 2003 hearing transcript pg. 23 lines 14-18, Exhibit 1a September 15, 2003 hearing pg. 3, 4th bullet	1237 CUI	The regulations do not address the application of CUI Section 1237 to the new right to FTDI benefits.	Regulations are not necessary because CUI Section 2602 provides that the provisions and definitions of Part 1 of Division 1, (commencing with Section 100) including Section 1237, apply to Part 2 of Division 1 (commencing with Section 2601), including Chapter 7 (commencing with Section 3300).
5	Julianne Broyles September 23, 2003, hearing transcript pg. 12 lines 18-23	1237 CUI	Commentator states that a small employer may have to supply leave on the first day of employment with no person to replace that absent worker for up to six weeks under CUI Section 1237.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 14 lines 5-10	1237 CUI	Regulations lack of an employer notification requirement may result in inadvertent termination in violation of CUI Section 1237.	Regulations are not necessary because the notice required in CUI Section 2613 instructs the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a FTDI claim as provided in CUI Section 2707.

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23	Clint D. Robison, letter dated October 14, 2003, page 3, 1st paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 3, 2nd par. October 15, 2003, hearing transcript pg. 29 lines 18-25 and pg. 30 lines 1-12.	2706-2	Section 2706-2 does not conform to CFRA eligibility standards.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. CFRA eligibility standards are not within the scope of authority conferred on this Department.
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c, pg. 3, par 4. October 15, 2003, hearing transcript pg. 30, lines 13-22.	2706-2	Section 2706-2 does not contain limitations found in CFRA.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. CFRA limitations are not within the scope of authority conferred on this Department.
1	Julia Beck representing Disability Services International October 15, 2003 hearing Exhibit 1c, pg. 1 4th par	2706-2	Commentator recommends adding a requirement that the claimant sign a statement attesting to the fact that there are no other persons "ready, willing, able and available" to care for the seriously ill family member, and that they will be the only such individual providing care.	Section 2706-2(d) was amended to add the attestation requirement. Multiple care providers are addressed in Section 3303.1(a)-1 (formerly Section 3303(e)-1).
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #5b	2706-2	Regulations do not address how to document "in loco parentis."	Regulations that exclusively list acceptable documentation for "in loco parentis" are not necessary and could be limiting.
9	Melissa Corjay via e-mail dated October 15, 2003, page 1, 1st paragraph	2706-2(a)	Regulation defines new claim, but does not clarify whether or not the leave has to occur after July 1, 2004.	Statutes provide that benefits are payable for claims commencing on or after July 1, 2004. Any days prior to July 1, 2004 are not compensable.
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 3, #2	2706-2(b)	Regulations contain an inaccurate reference in Section 2706-2(b) to CUI Section 3301.	Section 2706-2(b) was amended to remove the reference to Section 3301.

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13	Irma D Herrera fax dated October 15, 2003, Pg. 2, 2nd par.	2706-2(b)	The word "consecutive" should be removed from this section and Section 3303(a)-1(a) as this word was removed by SB 727.	Sections 2706-2(b) and 3303(b)-1(a) (formerly Section 3303(a)-1(a)) were amended to remove the word "consecutive."
21	Tom Rankin letter dated October 15, 2003. Pg. 2, 2nd par.	2706-2(b)	Section 2706-2(b) does not comply with subsequent legislation, SB 727.	
15	Senator Sheila James Kuehl in a letter dated October 15, 2003, Pg. 2, 2nd paragraph	2706-2(b)	Regulations in Section 2706-2(b) should be amended to delete the word "consecutive" in accordance with SB 727.	
23	Clint D. Robison, letter dated October 14, 2003, pg. 8 1st par; Public hearing October 15, 2003, Exhibit 2-c, pg. 7, 2nd par.	2706-2(b)	Commentator recommends clarifying Sections 2706-2(b) and 3303(a)-1 by inserting language and examples to determine when a part-time employee is entitled to benefits and to be consistent with FMLA/CFRA.	Enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. FMLA and CFRA requirements are not within the scope of authority conferred on this Department. Examples have been amended and added to Section 3303(b)-1 (formerly Section 3303(a)-1) to add clarity.
13	Irma D Herrera, via fax dated October 15, 2003, Pg. 2, 5th par.	2706-2(d)(1)	Regulations in (d)(1) to (d)(13) should be deleted, or, if not deleted, a provision should be added to ensure the confidentiality of the information.	Regulations to ensure confidentiality are not necessary because CUIIC Sections 1094, 1095, and 2714 provide for the confidentiality of all records within the Department's possession.
21	Tom Rankin letter dated October 15, 2003. Pg. 2, 3rd par	2706-2(d)(1)	Regulations in Section 2706-2(d)(1) to (d)(13) should be deleted or, if not deleted, a provision should be added to ensure the confidentiality of the information.	
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 2, 4th paragraph	2706-2(d)(1)	Regulations in Section 2706-2(d)(1) to (d)(13) should be deleted or, if not deleted, a provision should be added to ensure the confidentiality of the information.	
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 4, #7	2706-2(d)(14)	Commentator recommends inserting "voluntary plan" immediately following the term "department" in Section 2706-2(d)(14).	This regulation is drafted for the Department's administration of the PFL program. Voluntary plans may use their discretion to design their own forms as allowed by law.
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 4, #8	2706-2(d)(2)	Commentator recommends moving "and any other last names by which the claimant is or was known" from 2706-2(d)(2) to 2706-2(d)(1).	Sections 2706-2(d)(1) and 2706-2(d)(2) were amended to move the language.

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13	Irma D Herrera, via fax dated October 15, 2003, Pg. 2, 7th par.	2706-2(e)(1)	Commentator proposes that the last sentence in this provision "Absence of a social security account number shall not disqualify the claimant" be printed on the PFL claim form wherever a care recipient's Social Security Account Number is requested.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 2nd paragraph	2706-2(f)	Regulations do not require the Social Security account Number of the care recipient.	Section 2706-2(f)(1) was amended to request the care recipient's Social Security Account number.
16	Nancy Leonard, e-mail dated October 15, 2003, page 1, 3rd paragraph	2706-2(f)	Regulations do not require the Social Security Account number of the family member.	
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1g	2706-2(f)	Regulations do not require the Social Security Account number of the family member.	
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11a	2706-2(f)	Regulations do not require the Social Security Account number of the family member.	
21	Tom Rankin letter dated October 15, 2003. Pg. 2, 5th par	2706-2(f)(1)(E)	Regulations Section 2706-2(f)(1)(E) should contain the provision to ensure the confidentiality of the care recipient's medical information.	Regulations to ensure confidentiality are not necessary because CUIC Sections 1094, 1095, and 2714 provide for the confidentiality of all records within the Department's possession.
1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 1 5th par	2706-2(f)(2)	Commentator recommends adding a requirement to obtain the range of dates and frequency that the treating physician treated the care recipient for the medical condition for which care leave is requested.	Regulatory requirements are not necessary because the Department has the authority to request additional medical pursuant to CUIC Section 3306, if necessary. CUIC Section 2708(b) requires specific medical information to substantiate the need for care based on a documented medical history.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.3, 2nd par.	2708(b)-1(a)	Example 1 is confusing, misleading, inaccurate, and incorrect.	This example has been amended to more clearly illustrate an instance in which a care recipient's medical condition did not warrant the participation of a claimant.
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 2, 6th paragraph	2708(b)-1(a)	Example 1 in Section 2708(b)-1(a) is confusing, misleading, and inaccurate.	
21	Tom Rankin letter dated October 15, 2003. Pg. 2, 6th par.	2708(b)-1(a)	Example 1 in Section 2708(b)-1(a) is confusing, misleading, and inaccurate and should be removed. If the example is retained it should be revised to reflect that a waiting period has already been served.	

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1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 1 6th par	2708(b)-1(a)	Commentator recommends amending the regulation to clarify that when "psychological assistance" or "providing reassurance and emotional support" is the sole care needed, it must be in conjunction with a severe health condition.	Further clarification in regulations is not necessary and would be duplicative of CUIC Section 2708(b)(5).
1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 1 7th par	2708(b)-1(c)	Regulations should be amended to describe that intermittent participation of the care provider be a minimum of half the normal work shift.	The Department does not have authority to limit eligibility in the manner suggested.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 2 #2b	2708(b)-1(c)	Section 2708(b)-1(c) of the regulations does not address the waiting period requirement for intermittent leave.	Waiting periods are addressed in Sections 3301(d)-1, 3303-1 (formerly 3303(a)-2), 3303(b)-1 (formerly 3303(a)-1), and 3303.1(c) 1 (formerly 3303(g)-1).
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 3, #3 2nd paragraph	2708(c)-1	Regulations do not specify documents necessary to establish paternity for children outside of California.	Further clarification in regulations is not necessary because Section 2708(c)-1(a) lists the minimum requirements for acceptable documentation. Regulations that exclusively list acceptable documents are not necessary and could be limiting.
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 3, #3 1st and 2nd sentences	2708(c)-1(b), 2708(c)-1(c)	Commentator questions the use of the terms "non-maternal" in Section 2708(c)-1(b) and "paternal" in Section 2708(c)-1(c).	Sections 2708(c)-1(b) and 2708(c)-1(c) have been amended to add clarity.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 2 #3a,b,c	2708(c)-1(c)	Regulations do not address how to handle the Declaration of Paternity.	Sections 2708(c)-1(b) and 2708(c)-1(c) have been amended to add clarity.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 6 #11h	3254 CUIC	Regulations do not address whether additional benefits offered by a Voluntary Plan apply to PFL claims.	Regulations regarding voluntary plan liability will be developed for a separate rulemaking package that will be published in the California Regulatory Notice Register and open to public comment for 45-days.
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 2	3254-2(d)	Regulations regarding voluntary plan (VP) liability for FTDI should be added or expanded.	



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5	Julianne Broyles letter dated October 15, 2003, Pg. 4, 1st par, October 15, 2003 hearing transcript pg. 15 lines 19-25 and pg. 16 lines 1-12	3301(a) CUIIC, 3303(g) CUIIC	Regulations appear to provide for 8 weeks of leave which is in conflict with 3301(a) and 3303(g) of the Code.	The regulations are consistent with the enacting statutes which provide that up to six weeks of benefits are payable in any 12-month period.
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 3, 2nd paragraph	3301(d)-1	Commentator requests modification of example 2 in Section 3301(d)(1) (sic) to conform with provisions in SB 727 that provide that an individual need only serve one waiting period to care for the same care recipient within the same benefit year.	Example 2 in Section 3301(d)-1(a) was amended to correctly illustrate a second waiting period.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.3, 4th par.	3301(d)-1	The outcome of Example 2 is incorrect and conflicts with 3303(a) of the CUIIC and language requiring a second waiting period should be removed and should state claimant B is entitled to an additional two weeks.	
13	Irma D Herrera, via fax dated October 15, 2003, Pg.4, 2nd par.	3301(d)-1	Example 3 conflicts with current CUIIC provisions and SB 727. Claimant C need not serve another 7-day waiting period. The last sentence of example 3 should be revised to indicate that claimant C may receive up to an additional 6 weeks of benefits after serving a 7-day waiting period in the new 12-month period if his or her care is warranted for that length of time.	Example 3 was amended to correctly illustrate a second waiting period and to clarify eligibility for benefits in the new 12-month period.
21	Tom Rankin letter dated October 15, 2003. Pg. 3, 4th par	3301(d)-1(b)	Commentator requests modification of example 3 in Section 3301(d)(1) (sic) to conform with provisions in SB 727 and to add clarity.	
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 3, 4th paragraph	3301(d)-1	Commentator requests modification of example 3 in Section 3301(d)(1) (sic) to conform with provisions in SB 727 and to add clarity.	

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14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 2 #4a	3301(d)-1	Regulations do not address whether an additional claim can be filed and benefits paid after receiving 6 weeks of PFL benefits within the 12-month period.	Regulations are not necessary because CUIC Section 3301(d) restricts benefits to "no more than six weeks....within any 12-month period."
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 2 #4b	3301(d)-1	Regulations do not address whether a claimant must file a new PFL claim at the beginning of a new 12-month period if the 6 weeks have not been exhausted.	Example 3 in Section 3301(d)-1 was amended to clarify eligibility for benefits in the new 12-month period.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #4f	3301(d)-1	Regulations do not address whether the 12-month period is based on establishing a monetarily valid award or meeting eligibility criteria.	Section 3301(d)-1(a) provides that a valid claim establishes the 12-month period. Section 3302(j) of the code defines "valid claim."
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #4h	3301(d)-1	Regulations do not address whether the bonding period can be broken up under PFL.	Example 3 was added to Section 3303-1(b) (formerly Section 3303(a)-2(b) to illustrate broken periods of bonding.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 2 #4c	3301(d)-1(a)	Example 2 in Section 3301(d)-1(a) of the regulations questionably requires that the claimant serve another 7-day waiting period for a subsequent period of PFL being claimed during the 12-month period.	Example 2 was amended to correctly illustrate a second waiting period.
21	Tom Rankin letter dated October 15, 2003. Pg. 3, 2nd par	3301(d)-1(a)	Commentator requests modification of example 2 in Section 3301(d)(1) (sic) to conform with provisions in SB 727 that provide that an individual need only serve one waiting period "during each family disability period."	
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 1, 2nd paragraph	3301(d)-1(a), 3303(a)-2(b), 3303(a)-1(b)	Regulations provide inconsistent examples of application of waiting period.	Examples have been amended to incorporate provisions contained in Senate Bill (SB) 727, Chapter 797, Statutes of 2003.

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8	Nancy Cantley e-mail dated September 22, 2003, Pg. 1, 1st paragraph	3303 CUIC	Regulations do not define FTDI benefit period.	A regulation is not necessary and would be duplicative of CUIC Section 3302.1(a).
23	Clint D. Robison, letter dated October 14, 2003, pg. 8, 5th bullet; Public hearing October 15, 2003, Exhibit 2-c, pg. 7, 4th par.; October 15, 2003, hearing transcript pg. 40, lines 19-21.	3302.1 CUIC	Regulations do not define "family temporary disability benefit period."	
25	Robert Trotta via Exhibit 1b, September 23, 2003, Pg. 1 #1, September 23, 2003 hearing transcript pg. 17 lines 5-14	3302.1 CUIC	Regulations do not define "disability benefit period." Commentator asks, for example, what are the begin and end dates of a disability benefit period.	
25	Robert Trotta, Exhibit 1b, September 23, 2003, Pg. 1 #3, September 23, 2003 hearing transcript pg. 20 lines 17-22	3302.1 CUIC	Regulations are silent regarding waiting period waiver for bonding claims filed subsequent to maternity claims that ended prior to July 2004.	Regulations are not necessary and would be duplicative of CUIC Section 3302.1(c) which provides that periods of disability for pregnancy and periods of family care leave for bonding associated with the birth of that child shall be considered one disability benefit period. This provision applies without regard to the date of the maternity claim.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #7a	3302.1(b) CUIC	Regulations do not provide for a reduction in the waiting periods if the request is related to the same care recipient.	Examples have been amended to incorporate provisions contained in SB 727, Chapter 797, Statutes of 2003.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #7c	3302.1(c) CUIC	Regulations do not address whether a waiting period for bonding must be served when a PFL bonding claim is filed immediately after an SDI pregnancy claim.	Examples have been amended to incorporate provisions contained in SB 727, Chapter 797, Statutes of 2003.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #7c	3302.1(c) CUIC	Regulations do not address whether a waiting period for bonding must be served when a PFL bonding claim is delayed after an SDI pregnancy claim.	Examples have been amended to incorporate provisions contained in SB 727, Chapter 797, Statutes of 2003.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.5, 4th par.	3302-1	Commentator suggests adding a definition of spouse that states "spouse refers to a partner to a lawful marriage".	A regulation is not necessary and would be duplicative of CUIC Section 3302(i).
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 4, Paragraph 1	3302-1	Regulations do not contain a definition for "spouse."	

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9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 6th paragraph	3302-1	Regulations do not define "vacation".	Amended Section 3302-1(v) defines "vacation leave."
3	Shawna Bockwoldt, via e-mail dated September 18, 2003, Pg. 2 #3)	3302-1	Regulations do not define "vacation."	
3	Shawna Bockwoldt, via e-mail dated September 18, 2003, Pg. 1 #2)	3302-1	Regulations do not define a "claim."	Section 2706-2 defines a "Claim for Family Temporary Disability Insurance Benefit-Filing and Contents."
13	Irma D Herrera, via fax dated October 15, 2003, Pg.4, 4th par.	3302-1(a)	The definition of "authorized representative" should include the parent of a minor or the guardian of a legal ward without having to rely upon verification from the practitioner or physician.	Section 3302-1(a)(1) was amended to include a parent. "Guardians" are already included in Section 3302-1(a), therefore, further clarification is not necessary in this regards.
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 4, 3rd paragraph	3302-1(a)	The definition of "authorized representative" should include the parent of a minor or the guardian of a legal ward without having to rely upon verification from the practitioner or physician.	
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 3, #4	3302-1(a)	Commentator questions whether a claimant who is incapable of fulfilling filing requirements for FTDI benefits can be a care provider.	Although not explicitly stated, it appears the commentator recommends that the Department limit eligibility in this situation. The Department does not have the statutory authority to do so.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.4, 6th par.	3302-1(b)	Regulations should include further examples that illustrate exceptions to the general rule regarding being in one another's presence during bonding.	Subdivision (c) was added to Section 3303-1 (formerly Section 3303(a)-2) to illustrate two examples of bonding.
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 4, 5th paragraph	3302-1(b)	Regulations should include further examples that illustrate exceptions to the general rule regarding being in one another's presence during bonding.	
13	Irma D Herrera, via fax dated October 15, 2003, Pg.5, 1st par.	3302-1(f)	The definition of child is inaccurate under current law and SB 727 and should be revised. "Unable to care for him/herself" should be deleted to conform with SB 727.	Section 3302-1(f) was amended to conform to SB 727 provisions.
21	Tom Rankin letter dated October 15, 2003. Pg. 4, 6th par	3302-1(f)	The definition of child is inaccurate in light of SB 727.	
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 5, 1st paragraph	3302-1(f)	The definition of "child" is inaccurate in light of SB 727.	

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5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 2nd par, October 15 hearing transcript pg. 13 lines 11-18	3302-1(f)	Regulations do not address the age of the child.	Section 3302-1(f) was amended to conform to SB 727 provisions.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #5d	3302-1(f)	Regulations do not address whether age limits apply to an adult child.	Section 3302-1(f) was amended to conform to SB 727 provisions.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 6 #11i	3302-1(f)	Regulations do not specify whether the phrase "incapable of care" when the phrase is used in regards to an adult child is to be interpreted the same as under FMLA.	Section 3302-1(f) was amended to conform to SB 727 provisions.
20	John M. Polson, letter dated October 14, 2003, page 2, 3rd paragraph	3302-1(h)	Commentator suggests modifying Section 3302-1(h) to add "and benefits" after disability benefits, and adding "Said terms do not connote a right to leave time, or an obligation by the employer to grant leave time."	Section 3301(a)-1 was added to clarify that the FTDI program does not provide leave rights or job protection.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1d	3302-1(i)	Regulations addressing "domestic partner" do not specify how to verify the existence of a current, valid domestic partnership declaration.	Regulations that exclusively list means of verification of domestic partnerships are not necessary and could be limiting.
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 3, #5	3302-1(i)	Commentator recommends inserting "California" before "Family Code" in Section 3302-1(i).	Section 3302-1(j) (formerly Section 3302-1(i)) was amended to add "California."
13	Irma D Herrera, via fax dated October 15, 2003, Pg.5, 3rd par.	3302-1(j)	Regulations should use the term "family member" rather than the term "family relation".	Section 3302-1(k) (formerly Section 3302-1(j)) was amended to replace "family relation" with "family member."
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 5, 3rd paragraph	3302-1(j)	Regulations should use the term "family member" rather than the term "family relation."	
21	Tom Rankin letter dated October 15, 2003. Pg. 4, 2nd par	3302-1(j)	Commentator requests the deletion of the term "family relation" and substitution with the term spouse which should be defined as a partner to a lawful marriage.	Section 3302-1(k) (formerly Section 3302-1(j)) was amended to replace "family relation" with "family member." A regulation to define "spouse" is not necessary and would be duplicative of CUI Section 3302(i).
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11a	3302-1(j)	Regulations do not address how to verify family relationships in other counties (sic).	Regulations that exclusively list means of verification of family relationships outside of California are not necessary and could be limiting.

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25	Robert Trotta, Exhibit 1b, September 23, 2003, Pg. 2 #7, September 23, 2003 hearing transcript pg. 21 lines 17-25 through pg. 22 lines 1-2	3302-1(j)	Regulations do not specify when and how the Department will validate relationships.	Regulations that exclusively list verification of relationships are not necessary and could be limiting.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.5, 5th par.	3302-1(l)	Regulations should clarify the term "first claim" as the claim initially filed with the Department within the 12-month benefit period.	Section 3302-1(m) (formerly Section 3302-1(l)) and Section 2706-2(a) were amended to add clarity.
21	Tom Rankin letter dated October 15, 2003. Pg. 4, 5th par	3302-1(l)	Regulations should clarify the term "first claim" as the claim initially filed with the Department within the 12-month benefit period.	
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 5, 5th paragraph	3302-1(l)	Regulations should clarify the term "first claim" as the claim initially filed with the Department within the 12-month benefit period.	
13	Irma D Herrera, via fax dated October 15, 2003, Pg.5, 8th par.	3302-1(o)	The definition is confusing, inaccurate, and does not reflect current law. The term "minor" should be added to the definition of new child and the definition should also be modified to add the words "or spouse or domestic partner in connection with foster care or adoption" to replace the term "family member."	Section 3302-1(p) (formerly Section 3302-1(o)) was amended to include the term "minor" and to replace the term "family member" with "the claimant's spouse or domestic partner."
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 3rd paragraph	3302-1(o)	Regulations do not clarify whether a new child can be born prior to July 1, 2004 for bonding benefits.	CUIC Section 3301(a)(1) provides that bonding benefits are payable "within one year of the birth...of the child...." This would include children born prior to July 1, 2004.
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 5, 7th paragraph	3302-1(o)	Use of the term "family member" in relation to bonding with a new child is too broad.	Section 3302-1(p) (formerly Section 3302-1(o)) was amended to add clarity.
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 5, 7th paragraph	3302-1(o)	The definition for "new child" is confusing, inaccurate, and too broad.	Section 3302-1(p) (formerly Section 3302-1(o)) was amended to add clarity.
5	Julianne Broyles letter dated October 15, 2003, Pg.2, 5th par, October 15, 2003 hearing transcript pg. 11 lines 21-25 and pg. 12 lines 1-2	3302-1(o)	The definition of "new child" lacks clarity. Specifically, there is no bar for both parents to receive bonding benefits simultaneously.	Section 3302-1(p) (formerly Section 3302-1(o)) was amended to add clarity. There is no statutory authority to bar both parents from receiving bonding benefits simultaneously.

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8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 3, #6	3302-1(r)	Commentator suggests "payment of his or her remuneration" be substituted with "payment for work performed."	The term "remuneration" is not applicable in the context of this subdivision because it is too broad and inconsistent with existing SDI regulations (Section 2601-1(i)).
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 4th paragraph	3302-1(t)	The definition of week does not address the prorating of benefits for a partial week.	Regulations are not necessary and would be duplicative of CUIC Section 3303.
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 5th paragraph	3302-1(v)	The regulation is not clear that a wage loss is necessary to qualify for PFL benefits.	Regulations are not necessary and would be duplicative of CUIC Section 140.5(b).
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 6, 2nd paragraph	3302-1(v)(1)	Section 3302-1(v)(1) should be modified to allow eligibility for employees who have been unemployed due to a period of medical leave.	Section 3302-1(y)(1) (formerly Section 3302-1(v)(1)) was amended to address withdrawal from the labor market.
21	Tom Rankin letter dated October 15, 2003. Pg. 4, 8th par	3302-1(v)(1)	Section 3302-1(v)(1) should be modified to allow eligibility for employees who have been unemployed for a period due to a period of medical leave or inability to find work despite legitimate job searches.	Section 3302-1(y)(1) (formerly Section 3302-1(v)(1)) was amended to address withdrawal from the labor market.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #6a	3302-2	Regulations do not specify whether acupuncture, chemo, psychotherapy, etc. qualify as treatment.	Regulations that exclusively list acceptable treatments are not necessary and could be limiting as new treatments are developed.
1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 2, 1st par	3302-2(a)(2)(A)	Regulations should clarify that benefits be payable only during those days that the care recipient is incapacitated from his/her regular activities.	The Department does not have the authority to restrict benefits on this basis. CUIC Section 3303 provides for payment of benefits.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #6b	3302-2(a)(2)(E)	Regulations do not adequately address the rationale for selecting 3 days for a "period of incapacity."	This regulation is modeled after the standards used for FMLA.
23	Clint D. Robison, letter dated October 14, 2003, page 4, 5th paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 4, 4th par. October 15, 2003, hearing transcript pg. 33, lines 1-12.	3302-2(b)	Regulations are vague as to the definition of "treatment" which lends itself to fraud.	Regulations that exclusively list acceptable treatments are not necessary and could be limiting as new treatments are developed.

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13	Irma D Herrera, via fax dated October 15, 2003, Pg.5, 10th par.	3302-2(b)	The term "routine" should be inserted before "eye examination" and "dental examination".	Section 3302-2(b) was amended as suggested.
21	Tom Rankin letter dated October 15, 2003. Pg. 5, 2nd par	3302-2(b)	The term "routine" should be inserted before "eye examinations" and "dental examinations" in 3302-2(b).	
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 6, 4th paragraph	3302-2(b)	The term "routine" should be inserted before "eye examinations" and "dental examinations" in 3302-2(b).	
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 6, 6th paragraph	3302-2(c)	Section 3302-2(c) is confusing and should be revised.	Section 3302-2(c ) was amended to add clarity.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.6, 1st and 2nd par.	3302-2(c)	This Section is confusing and should be revised and clarified by additional language specifically "non-medically necessary" and deletion from "Ordinarily, unless complications arise..." to the end. Alternately add at the very end, "However, in any instance where one of the above conditions satisfies the requirements of 3302-2(a), defining a serious health condition, that condition shall be deemed a serious health condition for which the claimant would be entitled to claim FTDI benefits."	Section 3302-2(c ) was amended by adding the commentator's suggested sentence at the end of the subdivision.
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 9th paragraph	3303(a)-1	Regulations do not address how partial days of work apply to the waiting period.	Examples have been added to Section 3303(b)-1 (formerly Section 3303(a)-1) to clarify how partial days of work apply to the waiting period.
23	Clint D. Robison, letter dated October 14, 2003, pg. 8, 1st par; Public hearing October 15, 2003, Exhibit 2-c, pg. 7, 2nd par.	3303(a)-1	Commentator recommends clarifying Sections 2706-2(b) and 3303(a)-1 by inserting language and examples to determine when a part-time employee is entitled to benefits and to be consistent with FMLA/CFRA.	Enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. FMLA and CFRA requirements are not within the scope of authority conferred on this Department. Examples have been amended and added to section 3303(b)-1 (formerly section 3303(a)-1) to add clarity.
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 7th paragraph	3303(a)-1	Regulations do not address whether the waiting period is waived or served for claimants who request bonding benefits after receipt of SDI pregnancy benefits.	Examples were added to Section 3303-1 (formerly Section 3303(a)-2) to incorporate the provision of SB 727, Chapter 797, Statutes of 2003.



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9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 7th paragraph	3303(a)-1	Regulations do not address whether fathers have to serve a waiting period on bonding claims.	Regulations are not necessary and would be duplicative of CUI Section 3303(b).
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #7c	3303(a)-1, 3303(a)-2	Regulations do not address whether a father must serve a waiting period on a bonding claim.	
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 8th paragraph	3303(a)-1	Regulations do not provide enough guidance on how the waiting period can be served.	Examples have been amended and added. Waiting period examples can be found in Sections 3301(d)-1, 3303-1 (formerly 3303(a)-2), 3303(b)-1 (formerly 3303(a)-1), and 3303.1(c)-1 (formerly 3303(g)-1).
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #7d	3303(a)-1	Regulations do not provide enough guidance on how the waiting period can be served.	
23	Clint D. Robison, letter dated October 14, 2003, pg. 8, 5th bullet; Public hearing October 15, 2003, Exhibit 2-c, pg. 7, 4th par.; October 15, 2003, hearing transcript pg. 40, lines 21-22.	3303(a)-1	Regulations provide inconsistent examples of a waiting period.	Examples have been amended and added. Waiting period examples can be found in Sections 3301(d)-1, 3303-1 (formerly 3303(a)-2), 3303(b)-1 (formerly 3303(a)-1), and 3303.1(c)-1 (formerly 3303(g)-1).
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #4d, pg. 4 #7b	3303(a)-1	Regulations do not address when to assess additional waiting periods within a 12-month period.	Examples have been amended and added to Section 3301(d)-1 and Section 3303(b)-1 (formerly section 3303(a)-1) to illustrate this point.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #4e	3303(a)-1	Regulations do not address how a claimant serves an interrupted waiting period.	Example 2 in Section 3303(b)-1(a) (formerly Example 1 in Section 3303(a)-1(b)) was amended to illustrate an interrupted waiting period.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #7e	3303(a)-1	Regulations do not address how a waiting period can be calculated when there is an hourly wage loss.	Example 3 was added to Section 3303(b)-1(a) (formerly Section 3303(a)-1(a)) to illustrate this point.
3	Shawna Bockwoldt e-mail dated September 18, 2003, Pg. 1 #1)	3303(a)-1	Regulations do not address how partial days of work apply to the waiting period.	Example 3 was added to Section 3303(b)-1(a) (formerly Section 3303(a)-1(a)) to illustrate this point.

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5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 2nd par, October 15, 2003 hearing transcript pg. 13 lines 19-20	3303(a)-1	Regulations need to clarify the term "consecutive."	The term "consecutive" was deleted in accordance with the provisions of SB 727, Chapter 797, Statutes of 2003.
4	Yvonne Breiter, via e-mail dated October 15, 2003, Pg. 1, 2nd par.	3303(a)-1	SB 1661 does not define "day" for purposes of counting the 7 days of the elimination period.	A "day" is defined in Section 125-1(d). Section 3303(b)-1 (formerly Section 3303(a)-1) was amended to clarify waiting period days.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 2nd par, October 15, 2003 hearing transcript pg. 13 lines 19-20	3303(a)-1	Regulations need to clarify the term "day."	
13	Irma D Herrera, via fax dated October 15, 2003, Pg.6, 4th par.	3303(a)-1(a)	The word "consecutive" should be removed from this Section as with Section 2706-2(b). See comment on that Section.	Section 3303(b)-1(a) (formerly Section 3303(a)-1(a) was amended to delete "consecutive" in accordance with the provisions of SB 727, Chapter 797, Statutes of 2003.
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 7 2nd paragraph	3303(a)-1(a)	Section 3303(a)-1(a) does not comply with provisions of SB 727 which deleted the term "consecutive" regarding serving the waiting period.	
25	Robert Trotta, Exhibit 1b, September 23, 2003, Pg. 1 #2, September 23, 2003 hearing transcript pg. 17 lines 15-25 and pg. 18 lines 1-12	3303(a)-1(a)	Regulations should define a "day" and "consecutive" as used in the phrase "the first seven consecutive days" in relation to the non-payable waiting period.	Section 3303(b)-1 (formerly 3303(a)-1) was amended to delete "consecutive" in accordance with the provisions of SB 727, Chapter 797, Statutes of 2003, and to clarify "day" in relation to the waiting period.
1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 2, 2nd par	3303(a)-1(a)	Regulations should delete or clarify "consecutive" and allow the waiting period to be served in half day increments.	Section 3303(b)-1(a) (formerly Section 3303(a)-1(a) was amended to delete "consecutive" in accordance with the provisions of SB 727, Chapter 797, Statutes of 2003. Example 3 in Section 3303(b)-1 (formerly Section 3303(a)-1) illustrates waiting period service during partial days worked.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #7d	3303(a)-1(b)	The numbering of the example in Section 3303(a)-1(b) does not appear correct.	The numbering is in accordance with the Department's preferred format.
8	Nancy Cantley, e-mail dated September 22, 2003, Pg. 3, #1.	3303(a)-1(b)	A contradiction exists between Example 1 in Section 3303(a)-1(b) and the use of the term "consecutive" in Section 2706-2(b).	The term "consecutive" was deleted in accordance with the provisions of SB 727, Chapter 797, Statutes of 2003.
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 10th paragraph	3303(a)-2	Regulations do not address whether both parents can bond with the same child at the same time.	There is no statutory authority to bar both parents from receiving bonding benefits simultaneously.
16	Nancy Leonard, e-mail dated October 15, 2003, page 2, 2nd paragraph	3303(a)-2	Regulations should only allow for one parent at a time to bond with a new child.	

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20	John M. Polson, letter dated October 14, 2003, page 2, 3rd paragraph	3303(a)-2(b), et al	Commentator suggests modifying Section 3303(a)-2(b), and any other references to "leave", by replacing the term "leave" with the term "disability benefits."	Section 3303-1(b) (formerly Section 3303(a)-2(b)) was amended to replace "leave" with "benefits."
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #8a	3303(a)-2	Regulations appear to apply waiting period requirements differently for bonding with a birth child versus an adopted or foster child.	Examples in Section 3303-1 (formerly Section 3303(a)-2) were amended to clarify waiting period service.
1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 2, 3rd par.	3303(a)-2(b)	Regulations should limit bonding benefits to only cover those children born, adopted or placed with the individual on or after the January 1, 2004, the effective date of coverage (date contributions began).	Limiting benefits as suggested would be inconsistent with Section 28, Chapter 797, Statutes of 2003, in conjunction with CUIC Section 2601.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #9a	3303(e)-1	Regulations appear to allow PFL payments for providing care outside of work hours.	The enacting statutes do not limit benefits to those who provide caring during their normal working hours. Pursuant to CUIC Section 140.5, eligibility for benefits is based on a wage loss being suffered.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.6, 5th par.	3303(e)-1	"Ready, willing" should be added to the caption in this section.	Section 3303.1(a)-1 (formerly Section 3303(e)-1) was amended to include "Ready, Willing" in the caption.
21	Tom Rankin letter dated October 15, 2003. Pg. 5, 4th par.	3303(e)-1	"Ready, willing" should be added to the caption in Section 3303(e)(1) (sic).	
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 7, 3rd paragraph	3303(e)-1	"Ready, willing" should be added to the caption in Section 3303(e)(1) (sic).	
13	Irma D Herrera, via fax dated October 15, 2003, Pg.6,7th par.	3303(e)-1	Example 3 in this section is confusing and could be misinterpreted.	Example 3 in Section 3303.1(a)-1(b)(1) (formerly Section 3303(e)-1(b)(1)) was amended to add clarity.
15	Senator Sheila James Kuehl letter dated October 15, 2003, Pg. 7, 5th paragraph	3303(e)-1	Example 3 in Section 3303(e)(1) (sic) is confusing and could be misinterpreted.	
21	Tom Rankin letter dated October 15, 2003. Pg. 5, 6th par.	3303(e)-1(b)(1)	Example 3 in Section 3303(e)(1) (sic) is confusing and could be misinterpreted.	
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #9b	3303(e)-1	Regulations do not address how Voluntary Plan employers will be notified if other family members are able and available and receiving PFL benefits.	Regulations are not necessary because voluntary plans may use their discretion in determining if other family members are able and available and receiving benefits.

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14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #9c	3303(e)-1(b)(1)	Regulations do not specify why only three claimants may receive PFL benefits within a 24-hour period.	This regulation is consistent with the standard employment practice of dividing a 24-hour period into three 8-hour shifts.
6	Julie Burbank, via e-mail dated October 15, 2003, Pg. 1, 5th par.	3303(g)-1	Commentator asks once FTDI pay begins how is subsequent vacation taken into account?	CUIC Section 3303.1(c) provides that any required use of vacation leave applies to the initial receipt of benefits.
6	Julie Burbank, via e-mail dated October 15, 2003, Pg. 1, 11th par.	3303(g)-1	Example 3 under Receipt of Vacation Pay appears to provide that an employee may receive both FTDI and vacation pay after the second week. Commentator asks, may an employer specify in its vacation policy that an employee may not receive more than 100 percent of pay from all sources (including FTDI) such that vacation pay would be used to supplement the FTDI?	CUIC Section 2656(c) allows for the receipt of vacation pay during a claim period. The Department does not have authority to regulate employer leave policies.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.7, 2nd par.	3303(g)-1	Example 6 is inaccurate and contrary to the intent of SB 1661 because in the example the claimant should get his first week of disability insurance benefits as well as the second half of his vacation pay.	The former Example 6 in Section 3303.1(c)-1 (formerly Section 3303(g)-1) was deleted.
21	Tom Rankin letter dated October 15, 2003. Pg. 5, 8th par.	3303(g)-1	Example 6 in Section 3303(g)-1 is confusing and should be modified. The example should either be removed or clarified.	
15	Senator Sheila James Kuehl, in a letter dated October 15, 2003, Pg. 8, 1st paragraph	3303(g)-1	Example 6 in Section 3303(g)-1 is confusing and should be modified. The example should either be removed or clarified.	
5	Julianne Broyles September 23, 2003, hearing transcript pg. 10 lines 13-25	3303(g)-1	Regulations fail to consider the statutory requirement that up to two weeks of vacation pay could be required of a person who applies for PFL, and attempt to go completely around the statutory authority.	Examples in Section 3301.1(c)-1 (formerly Section 3303(g)-1) illustrate instances where employers require the use of vacation leave and when they do not.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #10a	3303(g)-1	Regulations do not address whether the employer may require or the employee may use other types of pay.	Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303(c)-1 (formerly Section 3303(g)-1) was amended to illustrate the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave.

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14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #10b	3303(g)-1	Regulations do not address whether the employer may require employees to use vacation not yet earned but available prior to the receipt of PFL benefits.	Regulations are not necessary because CUIC Section 3303.1(c) states that employers may require the use of earned but unused vacation leave.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #10b	3303(g)-1	Regulations do not address whether the employer may require the use of PTO in lieu of vacation pay.	Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303(c)-1 (formerly Section 3303(g)-1) was amended to illustrate the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #10c	3303(g)-1	Regulations do not address whether the receipt of vacation pay which is not required conflicts with the receipt of PFL benefits.	Example 4 in Section 3303.1(c)-1 (formerly Section 3303(g)-1) illustrates this point.
6	Julie Burbank, via e-mail dated October 15, 2003, Pg. 1, 10th par.	3303(g)-1	Commentator asks must an employee be allowed to receive FTDI plus full pay for vacation?	CUIC Section 2656(c) allows for the receipt of vacation pay during a claim period.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1c	3303.1(b) CUIC	Regulations do not address whether PFL runs concurrent with FMLA.	Regulations are not necessary and would be duplicative of CUIC Section 3303.1(b).
23	Clint D. Robison, letter dated October 14, 2003, page 4, 1st paragraph; Public Hearing, October 15, 2003, Exhibit 2-c, pg. 3, 6th and 7th par.; October 15, 2003, hearing transcript pg. 31, lines 3-16.	3305 CUIC	Regulations do not address the 25 percent penalty contained in CUIC Section 3305.	Regulations are not necessary and would be duplicative of CUIC Sections 1143 and 3305.
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c, pg. 4, 5th par. October 15, 2003, hearing transcript pg. 33, lines 12-15.	3305 CUIC	Commentator recommends adding a regulation that clarifies the fraud provision found in proposed Insurance Code section 3305 (sic) and the penalty discussed in the Legislative Counsel's Digest.	
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11d	3305 CUIC	Regulations do not address whether VPs can collect penalties as provided in section 3305.	There is no statutory provision to allow voluntary plans to collect penalties because the Contingent Fund is a special fund in the State Treasury as described in Article 4 (commencing with Section 1585) of Chapter 6 of Part 1 of Division 1 of the Code.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11g	3305 CUIC	Regulations do not address whether VPs can establish a contingent fund.	
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11e	3306 CUIC	Regulations are silent regarding independent medical examinations.	Section 3306(b)-1 was added to address independent medical examinations in accordance with the provisions of SB 727, Chapter 797, Statutes of 2003.

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5	Julianne Broyles via Exhibit 1a September 15, 2003 hearing pg. 2, 2nd bullet	adult child	Commentator states that state and federal laws limit family leave to dependent adult children or those under 18 while FTDI covers any child over the age of 18.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 2 #2a	adult child	The regulations do not specify when PFL can be used to care for an adult child.	Section 3302-1(f) was amended to add clarity.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #5c	adult child	Regulations do not address whether a stepparent can care for an adult stepchild who is unable to care for him/herself.	Section 3302-1(f) was amended to add clarity.
5	Julianne Broyles via September 23, 2003, hearing transcript pg. 8 lines 13-17	California APA	Regulations fail under APA standard to find that business reporting requirement is necessary for the public health, safety or welfare.	The APA standard in Government Code Section 11346.3(c ) does not apply to this rulemaking package because there are no business reporting requirements.
5	Julianne Broyles letter dated October 15, 2003, Pg. 2 , 2nd par, October 15 hearing transcript pg. 11 lines 7-11	California APA	Regulations do not meet the requirements of the California Administrative Procedure Act (Cal APA).	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c, pg. 2, 8th par.; October 15, 2003, hearing transcript pg. 26, lines 19-20.	California APA	Proposed regulations ignore important issues.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c, pg. 2, 5th and 6th par.; October 15, 2003, hearing transcript pg. 26, lines 9-11.	California APA	Regulations fail to satisfy California law and must be amended to conform with statutory obligations.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c pg. 5, 5th par., October 15, 2003, hearing transcript, pg. 43, lines 4- 24.	California APA	Commentator recommends adding a notification requirement because it would allow the employer to make the most cost effective decision and bring regulations within proposed APA standards.	It is beyond the scope of the Department's statutory authority to require anything more than that the notice in CUIC Section 2613 instruct the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a PFL claim as provided in CUIC Section 2707.
23	Clint D. Robison, Public hearing, October 15, 2003, Exhibit 2-c, pg. 9, 1st par. October 15, 2003, hearing transcript pg. 44, lines 17-20.	California business	Regulations will undermine the attempts of many employers to offer family friendly benefits by creating a "one-size-fits-all" approach for all business types and sizes.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.

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10	Mike Falasco via fax, dated October 15, 2003, Pg. 1, 2nd par.	California business	Employers will pay increased costs to hire temporary workers and by reduced productivity.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 15 lines 14-23	California business	Commentator states that the rules are unreasonable and unneeded because they will add new employer costs.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses.
5	Julianne Broyles via September 15, 2003 hearing Exhibit 1a, pg. 4, 2nd par	California business	Commentator states the administrative nightmare will exacerbate the costs of workplace absences, costs to employers and California workers, and invite frivolous litigation.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 2nd par.	California business	Regulations will make Silicon Valley companies less competitive and limit their ability to provide jobs for Californians.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms make companies less competitive or limit jobs.
10	Mike Falasco fax, dated October 15, 2003, Pg. 1, 2nd par.	California business	Commentator states that employees will be penalized by colleagues gaming the system.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
10	Mike Falasco, via fax, dated October 15, 2003, Pg. 2, 3rd par.	California business	The regulations provide an opportunity for abuse that will drive up employees payroll taxes and employers costs for replacement workers, increased overtime costs, reduced productivity and exacerbate California's competitiveness with other states.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
17	Brenda Oi-Yee-Li e-mail dated September 24, 2003	California business	Commentator states businesses leaving California and we are losing our jobs.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	California business	Commentator states that employers will end up paying for this open ended leave law.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.

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7	Deborah Callahan, representing Simpson Resource Company, letter dated October 9, 2003, page 1, 2nd paragraph	California business	Commentator states that the added burden of PFL adds to the rising costs of doing business in California.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles letter dated October 15, 2003, Pg.2, 3rd par, in September 15, 2003 hearing transcript pg. 15 lines 10-14, in September 23, 2003 hearing transcript pg. 15 lines 1-8, October 15, 2003 hearing transcript pg. 11 lines 16-20, Exhibit 1a September 15, 2003 hearing pg. 2, 1st bullet, Exhibit 1a September 15, 2003 hearing pg. 3, 6th bullet	California business	Regulations appear to be written in a manner to maximize economic costs, workplace disruption, consumer service disruption, operational difficulties and drive jobs out of California.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles letter dated October 15, 2003, Top of pg. 2, in September 15, 2003 hearing transcript pg. 8 lines 17-19, in October 15, 2003 hearing transcript pg. 10 lines 16-19, Exhibit 1a September 15, 2003 hearing pg. 1 3rd par	California business	The FTDI program places California businesses at a competitive disadvantage with similar businesses in other states.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 9 lines 3-7, Exhibit 1a September 15, 2003 hearing pg. 2, 1st bullet	California business	Commentator states that all businesses will have additional costs of absent and replacement workers, additional training, lost productivity and service due to prolonged or unscheduled absences.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 15 line 18, in September 23, 2003 hearing transcript pg. 13 lines 9-10, October 15, 2003 hearing transcript pg. 24 lines 8-9, Exhibit 1a September 15, 2003 hearing pg. 3, 8th bullet	California business	Commentator states we will be less competitive here in California.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.



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5	Julianne Broyles September 23, 2003, hearing transcript pg. 13 lines 11-16, Exhibit 1a September 15, 2003 hearing pg. 3, 8th bullet	California business	Commentator states it will be more expensive to do business in California.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles letter dated October 15, 2003, Pg. 4, 2nd par, October 15, 2003 hearing transcript pg. 16 lines 13-25 and pg. 17 lines 1-5 and page 24 line 1.	California constitution	SB 1661 was enacted in violation of the California constitution Section 3 of Article XIII.A.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
20	John M. Polson, letter dated October 14, 2003, page 1, 3rd paragraph	CFRA	Commentator states that FTDI is not intended to expand employee's rights to leave beyond that already provided by existing California law.	Section 3301(a)-1 was added to clarify that the FTDI program does not expand leave rights.
23	Clint D. Robison, letter dated October 14, 2003, page 3, 4th paragraph; Public Hearing, October 15, 2003, Exhibit 2-c, pg. 3, 5th par.	CFRA	Regulations do not delineate the size of business which are covered by PFL.	The enacting statutes do not grant the Department the authority to delineate the size of business covered by PFL.
23	Clint D. Robison, letter dated October 14, 2003, pg. 8, 1st bullet; Public hearing October 15, 2003, Exhibit 2-c, pg. 7, 4th par.; October 15, 2003, hearing transcript, pg. 40, lines 7-10.	confidentiality	Regulations fail to address the privacy concerns involved with requiring the employee to provide the state with confidential health information regarding family members or domestic partners.	Regulations are not necessary because CUIA Sections 1094, 1095 and 2714 provide for confidentiality of all information obtained by the Department.
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 1st par.	confidentiality	Regulations raise privacy objections due to requirements that the employer provide confidential health information to the state government.	
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	confidentiality	Commentator states that potential liability to employers is increased by sharing medical information with state agencies.	

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5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 6th par, in September 15, 2003 hearing transcript pg. 15, lines 7-10, in September 23, 2003 hearing transcript pg. 12 lines 24-25 and pg. 13 lines 1-8, October 15, 2003 hearing transcript pg. 15 lines 9-14, Exhibit 1a September 15, 2003 hearing pg. 3, 5th bullet	confidentiality	Regulations raise privacy objections as the employer is required to provide confidential health information to the Department.	Regulations are not necessary because CUI Sections 1094, 1095 and 2714 provide for confidentiality of all information obtained by the Department.
9	Melissa Corjay, e-mail dated October 15, 2003, page 2, 3rd paragraph	eligibility	Regulations do not address eligibility requirements.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 15 lines 15-17, in September 23, 2003 hearing transcript pg. 15 lines 9-13, Exhibit 1a September 15, 2003 hearing pg. 3, 7th bullet	eligibility	Regulations do not address how EDD will determine whether a person is on qualified leave.	Regulations are not necessary because the Department has no authority to determine eligibility for leave. The Department determines eligibility for benefits.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 15 lines 18-20, in September 23, 2003 hearing transcript pg. 14 lines 11-12, Exhibit 1a September 15, 2003 hearing pg. 3, 9th bullet	eligibility	Commentator states the State failed to address other practical and operational issues.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
3	Shawna Bockwoldt, via e-mail dated September 18, 2003, Pg. 1#2	eligibility	Regulations are silent on the imposition of a penalty for a late filed claim.	CUI Section 3301(e) provides filing time limits for first claims; a regulation is not necessary and would be duplicative. Section 2706-6 was added to these regulations to provide filing time limits for re-established and continued claims.
9	Melissa Corjay, e-mail dated October 15, 2003, page 2, 2nd paragraph	eligibility	Regulations are silent on filing procedures, turnaround times, and award notifications.	Filing procedures are located in Section 2706-2. CUI Sections 2701.5 and 3301(e) provide turnaround times; regulations are not necessary and would be duplicative. Section 2706-6 was added to these regulations to provide filing time limits for re-established and continued claims. Regulations to address award notifications are not necessary because they are addressed in CUI Sections 2707.3, 2707.4 and 2707.5.

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5	Julianne Broyles letter dated October 15, 2003, Pg. 5, 2nd par, October 15, 2003 hearing transcript pg. 19 lines 1-9	eligibility	Proposed regulations do not contain a requirement for fitness to return to work certification	The enacting statutes do not grant the Department the authority to require a fitness to return to work certification.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 2 #1.m	eligibility	Regulations do not clarify whether the requirements for successive periods of disability apply to PFL claims.	"Successive periods of disability" is not a phrase used in either this rulemaking package nor in the enacting statutes. If the commentator is referring to the provisions regarding a continuous period of unemployment and disability found in CUI Section 2608 and Section 2608-1, Title 22, those provisions do not apply to PFL.
6	Julie Burbank, via e-mail dated October 15, 2003, Pg. 1, 6th par.	eligibility	Commentator asks what happens when a period for which an employee is receiving FTDI crosses into a subsequent year on the first of a calendar year is the employee credited with additional time?	The amended Example 3 in Section 3301(d)-1 illustrates how to claim benefits in the new 12-month period.
23	Clint D. Robison, letter dated October 14, 2003, pg. 7 2nd par	employee/ employer rights	Commentator states that employees will not be able to pursue all their legal rights and employers cannot provide proper support for employees if they are confused as to their rights.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
23	Clint D. Robison, letter dated October 14, 2003, pg. 7 2nd par; October 15, 2003, hearing transcript pg. 37, lines 18-24.	employer rights	Commentator states that employers may find themselves in violation of the new law even though they may be well intentioned.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles letter dated October 15, 2003, Pg. 2, 3rd par	employer rights	Employers contend that compliance would be infeasible.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1b	employer rights	Regulations do not address whether an employer can deny a request for leave.	The enacting statutes do not grant the Department the authority to promulgate regulations on this issue.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11b	employer rights	Regulations do not address whether an employer can ask an employee to return to work if his/her PFL claim is invalid.	The enacting statutes do not grant the Department the authority to promulgate regulations on this issue.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11c	employer rights	Regulations do not address how an employer should handle a situation when two relatives file for the same ill relative.	The enacting statutes do not grant the Department the authority to promulgate regulations that govern employer policies on this issue.
25	Robert Trotta September 23, 2003 hearing transcript pg. 21 lines 4-14	employer rights	Commentator asks when an employer can deny a request for PFL or terminate an employee since there is no job protection.	Section 3301(a)-1 was added to clarify that PFL does not provide leave rights or job protection.

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24	R.E. Schrader letter dated October 7, 2003, 1st & 2nd paragraphs	employer rights	Commentator states that employment applications are likely to be revised so employers can determine which applicants would be the least likely to request a PFL absence.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
16	Nancy Leonard, e-mail dated October 15, 2003, page 1, 4th paragraph	entitlement	The name PFL infers this is a leave program, rather than insurance as originally specified in the name FTDI.	Section 3301(a)-1 was added to clarify that the PFL program does not provide leave rights.
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 1st par.	entitlement	Regulations treat FTDI as an entitlement, rather than as insurance.	The regulations were amended to delete any reference to entitlement.
4	Yvonne Breiter, via e-mail dated October 15, 2003, Pg. 2, 2nd par.	entitlement	SB 727 which changed the name to PFL risks creating confusion because FTDI is designed only to provide income replacement and not job protection.	Section 3301(a)-1 was added to clarify that PFL does not provide leave rights or job protection.
17	Brenda Oi-Yee-Li e-mail dated September 24, 2003	entitlement	Commentator states employees will use the six weeks as vacation days.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	entitlement	Commentator states that employees will feel entitled to receive PFL benefits because they are paying into the system	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
20	John M. Polson, letter dated October 14, 2003, page 1, 3rd paragraph	entitlement	Regulations do not clarify that FTDI is an insurance program and not an entitlement to leave for employees.	Section 3301(a)-1 was added to clarify that PFL does not provide leave rights or job protection.
20	John M. Polson, letter dated October 14, 2003, page 2, 1st paragraph	entitlement	Commentator states that FTDI is not intended to codify a new form of leave, but merely to provide wage replacement insurance to employees who are granted leave by their employer.	Section 3301(a)-1 was added to clarify that PFL does not provide leave rights or job protection.
18	Sam McAdam via e-mail dated October 15, 2003	entitlement	Statute and regulations should clarify that FTDI is not a "leave" law rather it is a state sponsored insurance program.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.

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5	Julianne Broyles letter dated October 15, 2003, Pg. 7, 1st par, in September 15, 2003 hearing transcript pg. 10 lines 20-23, October 15, 2003 hearing transcript pg. 23 lines 5-13 and pg. 24 lines 6-7, Exhibit 1a September 15, 2003 hearing pg. 2, 4th bullet	entitlement	The regulations treat the FTDI benefit as an entitlement rather than an insurance program.	The regulations were amended to delete any reference to entitlement.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 10 lines 23-25, pg. 11 lines 1-5	entitlement	Commentator states that workers have no incentive to take less than the full six weeks.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
20	John M. Polson, letter dated October 14, 2003, page 2, 2nd paragraph	entitlement	Commentator concerned that FTDI will be underfunded if seen as a new leave entitlement, thus leading to higher taxes on employees.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
20	John M. Polson, letter dated October 14, 2003, page 2, 2nd paragraph	entitlement	Commentator states that the regulations failure to clarify that PFL is not an entitlement program could lead to expensive litigation thus causing a significant burden on small businesses.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
19	David K Milton, via letter dated September 25, 2003, Pg. 2, 1st par.	ERISA	The federal Employment Retirement and Income Security Act (ERISA) forbids states from establishing mandated employee welfare benefits such as those proposed in the FTDI program.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 4th par, and in September 15, 2003 hearing transcript pg. 11, lines 9-17, October 15, 2003 hearing transcript pg. 14 lines 8-25, Exhibit 1a September 15, 2003 hearing pg. 2, 5th bullet	ERISA	The proposed program and implementing regulations are impermissible under federal law (Employment Retirement and Income Security Act (ERISA)).	The Department's authority to promulgate regulations to implement the FTDI program does not include determining the constitutionality or legality of statutory provisions.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.8, 2nd par.	ERISA	Commentator states that there is no pre-emption problem created by SB 1661 or the proposed regulations under ERISA.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.

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21	Tom Rankin letter dated October 15, 2003. Pg. 7, 1st par.	ERISA	Commentator states that neither the FTDI law nor the proposed regulations conflict with the ERISA.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
2	Donna Benton October 15, 2003 hearing Exhibit 4c pg. 2, 1st par, October 15, 2003 hearing transcript pg. 48 lines 13-19	extend to grandparents and kin	Commentator recommends extending the program to cover grandparents and kin.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles October 15, 2003, hearing transcript pg. 23 lines 19-25	FMLA	Commentator states that these rules violate Federal law.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1c, #1i	FMLA	Regulations are silent regarding how to confirm the time already used under FMLA.	Confirmation of time already used under FMLA is not within the scope of authority conferred on this Department.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1j	FMLA	Regulations do not address whether an employee who received six weeks of PFL benefits could receive additional unpaid time off under FMLA.	The Department does not have the authority to regulate leave under FMLA.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #4g	FMLA	Regulations do not address whether an employee can take PFL for bonding after receiving 12 weeks of bonding under FMLA.	Confirmation of time already used under FMLA is not within the scope of authority conferred on this Department.
10	Mike Falasco, via fax, dated October 15, 2003, Pg. 1, 6th par.	FMLA/CFRA	Commentator states that the regulations conflict with CFRA/FMLA because the definition of family member is broader.	The regulations are consistent with the enacting statutes.
5	Julianne Broyles letter dated October 15, 2003, Pg.2, 7th par, October 15, 2003 hearing transcript pg. 12 lines 14-22	FMLA/CFRA	Regulations do not address the issue of a "key employee."	The regulations are consistent with the enacting statutes which do not contain a provision addressing "key employee.".
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 1st par.	FMLA/CFRA	Regulations conflict with or ignore the interplay with other state and federal leave laws.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles letter dated October 15, 2003, Pg. 5, 1st par, in September 15, 2003 hearing transcript pg. 11 lines 18-20, October 15, 2003 hearing transcript pg. 18 lines 11-17, Exhibit 1a September 15, 2003 hearing pg. 2, 6th bullet	FMLA/CFRA	Proposed regulations conflict or ignore interplay with other state and federal leave laws.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.

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19	David K Milton, via letter dated September 25, 2003, Pg. 2, 1st par.	FMLA/CFRA	The proposed regulations conflict with other state and federal leave laws.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
18	Sam McAdam via e-mail dated October 15, 2003	FMLA/CFRA	Statute and regulations conflict with FMLA and CFRA.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles letter dated October 15, 2003, Pg. 1, 3rd par, and in September 15, 2003 hearing transcript pg. 8, line 16, October 15, 2003 hearing transcript pg. 10 lines 15-16 and pg. 24 lines 7-8, Exhibit 1a September 15, 2003 hearing pg. 1 3rd par.	FMLA/CFRA	The FTDI program conflicts with federal and state leave programs	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
23	Clint D. Robison, letter dated October 14, 2003, top of page ; Public Hearing October 15, 2003, Exhibit 2-c, pg. 6, 2nd par.	FMLA/CFRA	Commentator states that employers and employees are left with the impression that federal and state requirements overlap and conflict.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
23	Clint D. Robison, letter dated October 14, 2003, page 3, 4th paragraph; Public Hearing, October 15, 2003, Exhibit 2-c, pg. 3, 5th par.	FMLA/CFRA	The regulations do not contain any limitations set forth in other leave laws.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	FMLA/CFRA	Commentator states that there is no eligibility period as with other leave laws.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles letter dated October 15, 2003, Pg. 4, 3rd par, in September 15, 2003 hearing transcript pg. 12 lines 7-15, Exhibit 1a September 15, 2003 hearing pg. 3, 3rd bullet	FMLA/CFRA	The FTDI program removes most employer protections built into the state and federal unpaid leave acts.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles via Exhibit 1a September 15, 2003 hearing pg. 2, 1st bullet	FMLA/CFRA	Proposed regulations fail to adequately integrate FTDI with federal and state leave laws which is sure to lead to unnecessary confusion in the workplace and compliance problems.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.

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5	Julianne Broyles via Exhibit 1a September 15, 2003 hearing pg. 2, 2nd bullet	FMLA/CFRA	Commentator states that state and federal laws limit family leave to dependent adult children or those under 18 while FTDI covers any child over the age of 18.	The regulations are consistent with the enacting statutes which allow for the receipt of benefits when providing care for children of any age.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #4i,j	FMLA/CFRA	Regulations do not address that the 12-month period for PFL may not coincide with the 12-month period under FMLA/CFRA.	The regulations are consistent with the enacting statutes which do not require that the PFL 12-month period coincide with the FMLA/CFRA 12-month period.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 12 lines 10-16	FMLA/CFRA	Regulations fail to address employer size requirement present in FMLA/CFRA.	The enacting statutes do not grant the Department the authority to address an employer size requirement.
5	Julianne Broyles letter dated October 15, 2003, Pg. 6 & 7, last & 1st par, in September 15, 2003 hearing transcript pg. 12 lines 7-9	FMLA/CFRA	The regulations do not incorporate employer protections that exist in federal and state leave laws in companies with 50 or more workers.	The enacting statutes do not grant the Department the authority to incorporate employer protections in other leave laws or to delineate the size of business covered by the PFL program.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 12 lines 1-9	FMLA/CFRA	Regulations conflict with FMLA/CFRA because no time-on-the-job requirements are included.	The enacting statutes do not grant the Department the authority to include time-on-the-job requirements for coverage by the PFL program.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 14 lines 21-22	FMLA/CFRA	Regulations do not address the other eligibility programs.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 14 lines 13-25	FMLA/CFRA	Regulations fail to address leave for part time workers as provided under FMLA/CFRA which leaves employers with great compliance confusion with respect to how many hours part time workers can take under CFRA and PFL.	Enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program.
23	Clint D. Robison, Public hearing, October 15, 2003, Exhibit 2-c, pg. 7, 3rd par. October 15, 2003, hearing transcript pg. 39 lines 8-23.	FMLA/CFRA	Commentator states regulations do not comply with California law because they lack clarity in relation to part time workers and are inconsistent with FMLA and CFRA.	Enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program.
23	Clint D. Robison, letter dated October 14, 2003, pg. 7 4th par	FMLA/CFRA	Regulations create a disparity in the amount of coverage provided part-time employees as provided under FMLA/CFRA.	Enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program.



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7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	FMLA/CFRA	Regulations do not address other leave laws such as sick leave, kin care, pregnancy disability leave, CFRA and FMLA.	The enacting statutes do not grant the Department the authority to promulgate regulations on leave laws.
23	Clint D. Robison via letter dated October 14, 2003, page 2, 2nd paragraph; October 15, 2003, hearing transcript, pg. 27, lines 4-13, Exhibit 2-c, October 15, 2003 hearing, pg. 2, par 3.	FMLA/CFRA / PDL /SDI	Regulations conflict with PDL, CFRA, FMLA and SDI, and fail to state how they correlate with these programs.	The enacting statutes do not grant the Department the authority to promulgate regulations on leave laws.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 11 lines 15-25, October 15, 2003 hearing transcript pg. 18 lines 17-25 and pg. 19 lines 1, Exhibit 1a September 15, 2003 hearing pg. 2, 6th bullet	FMLA/CFRA/ domestic partners	Regulations conflict with CFRA/FMLA by including domestic partners.	The regulations are consistent with the enacting statutes. CUIC Sections 3301(a)(1), 3302(c), 3302(d), 3302(e)(2), 3302(f), and 3303 provide for inclusion of domestic partners.
23	Clint D. Robison, letter dated October 14, 2003, page 6, 4th paragraph; October 15, 2003, hearing transcript pg. 36, lines 18-25 and pg. 37, lines 1-2.	FMLA/CFRA/ PDL	The proposed regulations provide no guidance as to how the new law compliments CFRA, FMLA or PDL.	The enacting statutes do not grant the Department the authority to promulgate regulations on leave laws.
23	Clint D. Robison, letter dated October 14, 2003, page 7, 1st paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 6, 3rd par. October 15, 2003, hearing transcript pg. 37, lines 3-17	FMLA/CFRA/ PDL	Commentator recommends that the proposed regulations address conflicts between the FTDI program and CFRA, FMLA, and PDL.	The enacting statutes do not grant the Department the authority to promulgate regulations on leave laws.
25	Robert Trotta September 23, 2003 hearing transcript pg. 18 lines 13-25 through pg. 19 lines 1-10	FMLA/CFRA/ PDL	Commentator states that because the FMLA/CFRA/PDL periods of leave may not coincide with the PFL leave period there will be confusion.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
25	Robert Trotta, Exhibit 1b, September 23, 2003, Pg. 1 #5	FMLA/CFRA/ PDL	Regulations do not address issues concerning an individual exhausting PDL/FMLA/CFRA leave.	Determining whether an individual exhausted such leave is not within the scope of authority conferred on this Department.
25	Robert Trotta September 23, 2003 hearing transcript pg. 20, lines 23-25 through pg. 21 lines 1-3	FMLA/CFRA/ PDL	Commentator asks if exhaustion of FMLA/CFRA/PDL affects eligibility for PFL benefits.	Regulations are not necessary because CUIC Section 3303.1(b) requires concurrent use of PFL and FMLA/CFRA only when there is FMLA/CFRA eligibility.

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10	Mike Falasco, representing the Wine Institute, via fax, dated October 15, 2003, Pg. 1, 2nd par.	fraud	Commentator states that employees will be penalized by colleagues gaming the system.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
19	David K Milton, representing CA Apartment Assoc., via letter dated September 25, 2003, Pg. 1, 2nd par.	fraud	The proposed FTDI program creates a foundation for fraud and or misrepresentation by employees and conflicts with other state and federal leave programs.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
24	R.E. Schrader, letter dated October 7, 2003, 3rd paragraph	fraud	Commentator states that procedures are necessary to assure employers' protection from abuse.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection. The Department, through its various publications, encourages the public to report suspected fraud via its toll-free hotline.
7	Deborah Callahan, letter dated October 9, 2003, page 2, 1st paragraph	fraud	Commentator states that fraudulent claims will run rampant.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
5	Julianne Broyles letter dated October 15, 2003, Pg. 1, 3rd par, and in September 15, 2003 hearing transcript pg. 8, line 15, pg. 10 lines 4-5, October 15, 2003 hearing transcript pg. 10, lines 14-15 and pg. 24 lines 5-6, Exhibit 1a September 15, 2003 hearing pg. 1, 3rd par	fraud	The FTDI program fails to provide anti-fraud provisions.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 10 line 3, Exhibit 1a September 15, 2003 hearing pg. 2, 3rd bullet	fraud	Commentator states the program is an open invitation to fraudulent activity.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
22	Jim Richards, letter dated November 15, 2003, faxed on October 15, 2003, page 1, 1st paragraph	fraud	Commentator states the program lacks oversight.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.

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10	Mike Falasco, via fax, dated October 15, 2003, Pg. 2, 3rd par.	fraud	The regulations provide an opportunity for abuse that will drive up employees payroll taxes and employers costs for replacement workers, increased overtime costs, reduced productivity and exacerbate California's competitiveness with other states.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
23	Clint D. Robison, letter dated October 14, 2003, page 4, 2nd paragraph, Public Hearing, October 15, 2003, Exhibit 2-c, pg. 4, 1st par.	fraud	Regulations do not provide for criminal penalties.	Regulations are not necessary and would be duplicative of CUIIC sections 1143, 3305 and CUIIC Chapter 10 (commencing with Section 2101) of Part 1, Division 1.
23	Clint D. Robison, letter dated October 14, 2003, page 4, 4th paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 4, 3rd par., October 15, 2003 hearing transcript pg. 32, lines 7-24.	fraud	Regulations do not address which of the parties to the claim can be penalized for fraudulent activity.	
23	Clint D. Robison, Public Hearing, October 15, 2003, Exhibit 2-c, pg. 3, 7th par. October 15, 2003, hearing transcript pg. 31, lines 20-21.	fraud	Regulations do not address when a fraud has occurred.	
10	Mike Falasco, via fax, dated October 15, 2003, Pg. 1, 4th par.	fraud	Regulations lack safeguards in CFRA and FMLA such as the right to request recertification of conditions and the right to insist on second and third opinions to validate a questionable first opinion.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Addressing CFRA and FMLA provisions is not within the scope of authority conferred on this Department.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 10 lines 8-11, Exhibit 1a September 15, 2003 hearing pg. 2, 3rd bullet	fraud	Regulations do not provide any process to prevent double-dipping (payment from the employer and the State).	Regulations are not necessary because CUIIC Section 2707 requires the Department to notify the current employer of the filing of a first claim. CUIIC Section 2707.1 requires the employer to notify the Department of any information which may bear upon the claimant's eligibility. CUIIC Section 2707.2 requires the Department to consider the facts submitted by the employer in determining the claimant's eligibility.

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19	David K Milton, via letter dated September 25, 2003, Pg. 1 4th par.	fraud	The proposed regulations contain no express or implied control of potential fraudulent claims, specifically no safeguards to ensure the program is utilized for its intended purpose, no barriers to prevent "double dipping" from both the employer and state for the same absences, and, there is no process that permits an employer to pursue suspected fraudulent claims for mis-claimed absences.	Regulations are not necessary because CUIC Section 2707 requires the Department to notify the current employer of the filing of a first claim. CUIC Section 2707.1 requires the employer to notify the Department of any information which may bear upon the claimant's eligibility. CUIC Section 2707.2 requires the Department to consider the facts submitted by the employer in determining the claimant's eligibility. The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection. The Department, through its various publications, encourages the public to report suspected fraud via its toll-free hotline.
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c pg. 7, 4th par.; October 15, 2003, hearing transcript pg. 40, lines 11-14.	fraud	Regulations do not prevent workers from receiving payment from both the employer and the state for the same absences (double-dipping).	Regulations are not necessary because CUIC Section 2707 requires the Department to notify the current employer of the filing of a first claim. CUIC Section 2707.1 requires the employer to notify the Department of any information which may bear upon the claimant's eligibility. CUIC Section 2707.2 requires the Department to consider the facts submitted by the employer in determining the claimant's eligibility.
23	Clint D. Robison, letter dated October 14, 2003, page 4, 1st paragraph, Public Hearing October 15, 2003, Exhibit 2-c, pg. 3, 7th par. October 15, 2003, hearing transcript pg. 31, lines 16-20.	fraud	Regulations do not address procedures for employers to report suspected fraud.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection. The Department, through its various publications, encourages the public to report suspected fraud via its toll-free hotline.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 7th par, and in September 15, 2003 hearing transcript pg. 10, lines 11-14, October 15, 2003 hearing transcript pg. 15 lines 14-18, Exhibit 1a September 15, 2003 hearing pg. 2, 3rd bullet	fraud	Regulations fail to provide a process for an employer to address suspected fraudulent claims or mis-characterized absences.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection. The Department, through its various publications, encourages the public to report suspected fraud via its toll-free hotline.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 9 lines 24-25 and pg. 10 lines 1-12	fraud	Regulations do not contain reasonable controls to determine whether different family members are available to care for a family worker.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 1st par.	fraud	Regulations contain no control for fraudulent claims and fail to ensure the program is used for its intended purpose.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.

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10	Mike Falasco, via fax, dated October 15, 2003, Pg. 2, 1st par.	fraud	The regulations give EDD few tools to verify the authenticity on FTDI claims and sanctions to dissuade potential fraud. It is likely EDD will accept suspicious claims concurrently being challenged or denied by employers.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	fraud	Regulations to do not provide controls or safeguards to identify fraud claims.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
22	Jim Richards representing MACS Lab, Inc. via letter dated November 15, 2003, faxed on October 15, 2003, page 1, 1st paragraph	fraud	Regulations do not provide controls for fraudulent claims or safeguards to ensure the program is used for its intended purpose.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
23	Clint D. Robison letter dated October 14, 2003, pg. 8 3rd bullet; Public hearing October 15, 2003, Exhibit 2-c, pg. 7, 4th par. October 15, 2003, hearing transcript pg. 33, lines 16-25 and pg. 34, lines 1-3.; October 15, 2003 hearing transcript pg. 40, lines 14-16.	fraud	Regulations fail to place safeguards in the system to insure that the program is utilized for its intended purpose.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
23	Clint D. Robison, letter dated October 14, 2003, page 4, 1st paragraph; Public Hearing, October 15, 2003, Exhibit 2-c, pg. 3, 7th par.	fraud	Regulations do not address fraud.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
23	Clint D. Robison, letter dated October 14, 2003, page 4, 3rd paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 5, 2nd par. October 15, 2003, hearing transcript pg. 32, lines 1-6.	fraud	Regulations do not recognize the various forms of fraudulent activity.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c, pg. 4, 5th par. October 15, 2003, hearing transcript pg. 33, lines 12-15.	fraud	Commentator recommends adding a regulation that clarifies the fraud provision found in proposed Insurance Code section 3305 (sic) and the penalty discussed in the Legislative Counsel's Digest.	Regulations are not necessary and would be duplicative of CUIC Sections 1143 and 3305.

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23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c, pg. 4, 6th par.	fraud	Regulations must clarify when fraud has occurred, whether a penalty will be enforced, and how enforcement will occur.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, Pg. 3, 5th par, October 15, 2003 hearing transcript pg. 14 line 25 and pg. 15 lines 1-8	fraud	Regulations do not adequately protect against fraudulent claims.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, Pg. 3, 5th par, in September 15, 2003 hearing transcript pg. 10 lines 5-7, October 15, 2003 hearing transcript pg. 14 line 25 and pg. 15 lines 1-8, Exhibit 1a September 15, 2003 hearing pg. 2, 3rd bullet	fraud	Regulations do not ensure that the program is utilized for intended purposes.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11a	fraud	Regulations do not address fraud monitoring measurements.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.
20	John M. Polson, letter dated October 14, 2003, page 2, 2nd paragraph	increased tax	Commentator concerned that FTDI will be underfunded if seen as a new leave entitlement, thus leading to higher taxes on employees.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
17	Brenda Oi-Yee-Li e-mail dated September 24, 2003	increased tax	Commentator states that we can not afford to pay more taxes to fund leave.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 9 line 2	increased tax	Commentator states that the program imposes new employment taxes.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
20	John M. Polson, letter dated October 14, 2003, page 1, 2nd paragraph	increased tax	Commentator states that due to the ambiguity of the regulations claims which should not be paid by FTDI will be paid by FTDI thus resulting in higher employee taxes.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.

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6	Julie Burbank, via e-mail dated October 15, 2003, Pg. 1, 9th par.	intermittent leaves	Commentator asks what rate of pay is FTDI based on when an employee takes intermittent leave over a twelve-month period. [Employee out on FTDI in January 2005 then employee receives a pay increase in April 2005 and takes additional FTDI for the same reasons in May 2005, August 2005 and October 2005] Are all FTDI payments based on the pay used to calculate the first payment?	Regulations are not necessary and would be duplicative of CUIC Section 3301.
6	Julie Burbank, via e-mail dated October 15, 2003, Pg. 1, 8th par.	intermittent leaves	Commentator asks what rate of pay is the FTDI benefit based on for intermittent leave for the same reasons?	Regulations are not necessary and would be duplicative of CUIC Section 3301.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 1st par, in September 15, 2003 hearing transcript pg. 13, lines 17-25, pg. 14, lines 1-16, in September 23, 2003 hearing transcript pg. 11 lines 8-14, October 15, 2003 hearing transcript pg. 12 lines 23-25 and pg. 13 lines 1-10, Exhibit 1a September 15, 2003 hearing pg. 2, 7th bullet	intermittent leaves	Regulations do not address the issue of "intermittent leave."	Examples were added and amended to illustrate intermittent leave: Example 1 in Section 2708(b)-1(c); Examples 2 and 3 in Section 3303(b)-1(a) (formerly Section 3303(a)-1(a)); Example 1 in Section 3303(b)-1(b) (formerly Section 3303(a)-1(b)).
25	Robert Trotta, Exhibit 1b, September 23, 2003, Pg. 1 #4	intermittent leaves	Regulations are unclear and should provide an example of intermittent/non-full day leaves and indicate the smallest increment of time an employee can take.	Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond whether on a full-time or intermittent basis pursuant to CUIC Section 140.5.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #7e	intermittent leaves	Regulations do not address how to calculate an hourly wage loss.	Regulations are not necessary and would be duplicative of CUIC Section 2656(a).
9	Melissa Corjay, e-mail dated October 15, 2003, page 2, 4th paragraph	intermittent leaves	Regulations do not address the issue of intermittent leave, nor indicate the smallest increment of time an employee can take.	Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond whether on a full-time or intermittent basis pursuant to CUIC Section 140.5.
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	intermittent leaves	Regulations do not address the problem of intermittent leave already permitted under California family leave law.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.

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23	Clint D. Robison letter dated October 14, 2003, pg. 8, 4th bullet; Public hearing October 15, 2003, Exhibit 2-c, pg. 7, 4th par. October 15, 2003, hearing transcript pg. 40, lines 16-18.	intermittent leaves	Regulations fail to address the inconsistency problem of intermittent leave permitted under CFRA.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 14 lines 22-23, Exhibit 1a September 15, 2003 hearing pg. 3, 2nd bullet	intermittent leaves	Regulations do not limit leave or part time workers the way other rules do.	Enacting statutes do not differentiate between part-time and full-time workers. Pursuant to CUIC Section 140.5, benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond.
4	Yvonne Breiter, via e-mail dated October 15, 2003, Pg. 2, 2nd par.	job protection	SB 727 which changed the name to PFL risks creating confusion because FTDI is designed only to provide income replacement and not job protection.	Section 3301(a)-1 was added to clarify that the PFL program does not provide job protection.
5	Julianne Broyles letter dated October 15, 2003, Pg. 6 & 7, last & 1st par, October 15, 2003 hearing transcript pg. 23 lines 3-6	job protection	The regulations do not make a specific statement that small companies need not provide job protection.	
1	Julia Beck October 15, 2003 hearing transcript pg. 6 line 22-25 through pg. 7 lines 1-15	job protection	Commentator is concerned that the name Paid Family Leave implies a leave benefit which includes job protection.	
18	Sam McAdam via e-mail dated October 15, 2003	job protection	Regulations should clarify that employees not otherwise qualified for leave under FMLA or CFRA will not have job protection to avoid confusion on behalf of employees.	
18	Sam McAdam via e-mail dated October 15, 2003	job protection	Regulations should either clarify that FTDI does not apply to individuals without FMLA or CFRA coverage or that they do not have job protection.	
6	Julie Burbank e-mail dated October 15, 2003, Pg. 1, 2nd par.	Labor Code 233	The commentator asks how AB 109 and SB 1661 interact and/or coordinate.	Examples 4 and 5 were added to Section 3303(b)-1(a) (formerly Section 3303(a)-1(a)) to illustrate the use of sick leave pursuant to Labor Code Section 233.
6	Julie Burbank, via e-mail dated October 15, 2003, Pg. 1, 3rd par.	Labor Code 233	Commentator asks, must six weeks of FTDI now be provided in addition to the AB 109 time? May the AB 109 time off be offset from the six weeks of FTDI (so that one would have five weeks of paid FTDI)?	



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9	Melissa Corjay, e-mail dated October 15, 2003, page 2, 1st paragraph	Labor Code 233	Regulations are silent on leave taken under AB 109.	Examples 4 and 5 were added to Section 3303(b)-1(a) (formerly Section 3303(a)-1(a)) to illustrate the use of sick leave pursuant to Labor Code Section 233.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 2nd par, and in September 15, 2003 hearing transcript pg. 11 lines 20-25, pg. 12 lines 1-4, October 15, 2003 hearing transcript pg. 13 line 25 and pg. 14 lines 1-7	Labor Code 233	Regulations do not provide any guidance on how FTDI affects kin care leave (Labor Code Section 233).	
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #10d	Labor Code 233	Regulations do not address whether an employer can require the use of Kin care benefits prior to the receipt of PFL benefits.	
25	Robert Trotta, Pg. 2 #6, September 23, 2003 hearing transcript pg. 19 line 25 through pg. 20 lines 1-16	Labor Code 233	Regulations do not address the usage of leave taken under AB 109 (the Kin Care Law).	
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	Labor Code 233	Regulations do not address other leave laws such as sick leave, kin care, pregnancy disability leave, CFRA and FMLA.	The enacting statutes do not grant the Department the authority to promulgate regulations on leave laws. Examples 4 and 5 were added to Section 3303(b)-1(a) (formerly Section 3303(a)-1(a)) to illustrate the use of sick leave pursuant to Labor Code Section 233.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11f	length of service	Regulations do not address how long a claimant has to work for the current employer.	The enacting statutes do not grant the Department the authority to address a length of service requirement.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 12 lines 1-9	length of service	Regulations conflict with FMLA/CFRA because no time-on-the-job requirements are included.	
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 1st par.	length of service	Regulations include no time on the job requirements.	

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5	Julianne Broyles letter dated October 15, 2003, Pg. 6 & 7, last & 1st par, in September 15, 2003 hearing transcript pg. 14 lines 20-21, October 15, 2003 hearing transcript pg. 22 lines 22-25 and pg. 23 lines 1-2, Exhibit 1a September 15, 2003 hearing pg. 3, 1st bullet	length of service	The regulations do not impose time on the job requirements.	The enacting statutes do not grant the Department the authority to address a length of service requirement.
10	Mike Falasco, via fax, dated October 15, 2003, Pg. 1, 6th par.	length of service	FTDI has no time on the job requirement.	The enacting statutes do not grant the Department the authority to address a length of service requirement.
5	Julianne Broyles letter dated October 15, 2003, Pg. 1, 3rd par, and in September 15, 2003 hearing transcript pg. 8, lines 13-14, pg. 14, lines 20-21, October 15, 2003 hearing transcript pg. 10 lines 13-14, Exhibit 1a September 15, 2003 hearing pg. 1 3rd par	length of service	The FTDI program fails to provide a length of service eligibility requirement for an employee to meet to claim PFL.	The enacting statutes do not grant the Department the authority to address a length of service requirement.
4	Yvonne Breiter, via e-mail dated October 15, 2003, Pg. 1, 3rd par.	multiple care providers	Neither SB 1661 nor the claim forms address how the EDD will know if two individuals are requesting FTDI to care for the same family member at the same time.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 4 #9c	multiple care providers	Regulations do not address how to track multiple care providers.	Section 2706-1(f)(1)(B) was added to require the care recipient's social security account number which will enable the Department to track multiple care providers.
16	Nancy Leonard, e-mail dated October 15, 2003, page 2, 2nd paragraph	multiple care providers	Regulations should only allow a single care provider to care for a seriously ill family member.	This regulation is consistent with the standard employment practice of dividing a 24-hour period into three 8-hour shifts.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #11c	multiple care providers	Regulations do not address how an employer should handle a situation when two relatives file for the same ill relative.	The enacting statutes do not grant the Department the authority to promulgate regulations regarding employer policies.
5	Julianne Broyles letter dated October 15, 2003, Pg. 6 & 7, last & 1st par, October 15, 2003 hearing transcript pg. 22 lines 19-21	multiple care providers	The regulations do not limit the number of workers from the same company who may apply for and receive FTDI benefits at the same time.	The enacting statutes do not grant the Department the authority to impose a limitation in the manner suggested.

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5	Julianne Broyles September 15, 2003, hearing transcript pg. 9 lines 23-25, in September 23, 2003 hearing transcript pg.12 lines 17-23	multiple care providers	Commentator states there is no limit on the number of employees of a small employer that can take leave at the same time.	The enacting statutes do not grant the Department the authority to impose a limitation in the manner suggested.
25	Robert Trotta September 23, 2003 hearing transcript pg. 22 lines 3-11	multiple care providers	Regulations are silent as to whether both parents can take bonding at the same time.	There is no statutory authority to bar both parents from receiving bonding benefits simultaneously.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 2nd par, October 15, 2003 hearing transcript pg. 13 lines 20-24	multiple employers-liability	Regulations do not address the issue of apportionment when a worker changes employers during a benefit period.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1k and Pg. 2 #1l	multiple employers-liability	Regulations do not address how to determine liability for PFL coverage when there are multiple employers.	Regulations regarding voluntary plan liability, including multiple employers, will be developed for a separate rulemaking package that will be published in the California Regulatory Notice Register and open to public comment for 45-days.
25	Robert Trotta September 23, 2003 hearing transcript pg. 19 lines 11-24	multiple employers-liability	Regulations do not address how to determine liability for PFL coverage when there are multiple employers.	
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1h	multiple employers-liability	Regulations do not address how simultaneous coverage is handled under PFL.	
5	Julianne Broyles letter dated October 15, 2003, Pg. 6, 2nd par, October 15, 2003 hearing transcript pg. 21 lines 9-25 and pg. 22 line 1, Exhibit 1a September 15, 2003 hearing pg. 3, 9th bullet	no input	Proposed regulations were crafted without input from the regulated community.	The Department is complying with APA requirements to obtain input from all interested parties.
25	Robert Trotta September 23, 2003 hearing transcript pg. 23 lines 1-18	no input	Commentator states there may be value in having an interactive discussion on the regulations during the regulatory period.	The Department is complying with APA requirements to obtain input from all interested parties.

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5	Julianne Broyles letter dated October 15, 2003, Pg. 4, 3rd par, in September 15, 2003 hearing transcript pg. 12 lines 17-25, pg. 13 lines 1-6, October 15, 2003 hearing transcript pg. 17 lines 6-13, Exhibit 1a September 15, 2003 hearing pg. 3, 3rd bullet	notification to employer	Regulations are silent on advance notification to the employer.	It is beyond the scope of the Department's statutory authority to require anything more than that the notice in CUIC Section 2613 instruct the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a PFL claim as provided in CUIC Section 2707.
19	David K Milton, via letter dated September 25, 2003, Pg. 2, 2nd par.	notification to employer	The proposed regulations require no advance notification to the employer and ignore the needs of the small employer who must be able to plan for the extended absence of an employee.	
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 1st par.	notification to employer	Regulations fail to address employer notification and contain no requirement for advance notification.	
10	Mike Falasco, via fax, dated October 15, 2003, Pg. 1, 5th par.	notification to employer	Regulations contain no advance employer notification provision.	
7	Deborah Callahan, letter dated October 9, 2003, page 1, 3rd paragraph	notification to employer	Regulations do not address procedures and guidelines for employer notification of employer by employee resulting in higher company costs and disruption of the workplace.	
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	notification to employer	Regulations do not contain procedural rules for timely employer notification.	
23	Clint D. Robison, letter dated October 14, 2003, page 5, 3rd paragraph; Public hearing October 15, 2003, Exhibit 2-c pg. 4, 7th par.; pg. 5, 1st par.	notification to employer	Regulations do not provide for employer notification of leave which is inconsistent with CFRA notification requirements.	
23	Clint D. Robison, letter dated October 14, 2003, page 6, 1st paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 5, 4th par.; October 15, 2003, hearing transcript pg. 35, lines 15-25 through pg. 36, line 1.	notification to employer	Regulations do not consider alternatives with respect to notification issues.	

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23	Clint D. Robison, letter dated October 14, 2003, page 6, 2nd paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 5, 4th par. October 15, 2003, hearing transcript pg. 36, lines 2-5.	notification to employer	Regulations should be amended to require claimants to provide written notification to employers, or to require the agency to notify the employer when a claim has been filed.	It is beyond the scope of the Department's statutory authority to require anything more than that the notice in CUIC Section 2613 instruct the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a PFL claim as provided in CUIC Section 2707.
5	Julianne Broyles letter dated October 15, 2003, Pg. 4, 4th par, in September 15, 2003 hearing transcript pg. 13 lines 7-16, pg. 15 lines 20-22, Exhibit 1a September 15, 2003 hearing pg. 3, 9th bullet	notification to employer	Regulations fail to identify a process to notify employers that certain employees are applying for FTDI.	
5	Julianne Broyles September 23, 2003, hearing transcript pg. 13 lines 17-25 and pg. 14 lines 1-5	notification to employer	Regulations do not require employees to notify employers that they are taking family leave.	
5	Julianne Broyles October 15, 2003, hearing transcript pg. 17 lines 14-25, pg. 18 lines 1-8, Exhibit 1a September 15, 2003 hearing pg. 3, 3rd bullet	notification to employer	Regulations ignore the need for employer notification which invites chaos and jeopardizes operations and workplace safety due to unplanned absences or intermittent leave.	
14	Barbara W. Jones via e-mail dated October 13, 2003 Pg. 1 #1a	notification to employer	Regulations do not address whether an employee has to inform his/her employer before filing a claim.	
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c pg. 5, 5th par.	notification to employer	Commentator recommends adding a notification requirement because it would allow the employer to make the most cost effective decision and bring regulations within proposed APA standards.	
23	Clint D. Robison, October 15, 2003, hearing transcript pg. 36, lines 8-11.	notification to employer	Regulations would fail OAL review because they do not consider alternatives for notifications and are inconsistent with existing law.	

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23	Clint D. Robison, letter dated October 14, 2003, page 5, 5th paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 5, 3rd par.4 October 15, 2003, hearing transcript pg. 34, lines 24-25 and pg. 35, lines 1-15.	notification to employer	Regulations do not address the adverse economic impact on business of no employer notification which would be especially harmful to small businesses.	It is beyond the scope of the Department's statutory authority to require anything more than that the notice in CUIC Section 2613 instruct the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a PFL claim as provided in CUIC Section 2707.
5	Julianne Broyles September 23, 2003 hearing transcript pg. 14 lines 5-10	notification to employer	Regulations lack of an employer notification requirement may result in inadvertent termination in violation of CUIC Section 1237.	
23	Clint D. Robison, October 15, 2003, hearing transcript, pg. 43, lines 4-24.	notification to employer	Commentator states adding a notification requirement because it would allow the employer to make the most cost effective decision and bring regulations within proposed APA standards.	
21	Tom Rankin letter dated October 15, 2003. Pg. 7, 4th par	notification to employer	Commentator states that SB 727 includes a notice provision that is sufficient for the employers needs.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.8, 5th par	notification to employer	Commentator states that SB 727 includes a notice provision that is sufficient for the employers needs.	
5	Julianne Broyles September 23, 2003, hearing transcript pg. 14 lines 13-25	part time workers	Regulations fail to address leave for part time workers as provided under FMLA/CFRA which leaves employers with great compliance confusion with respect to how many hours part time workers can take under CFRA and PFL.	The enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond pursuant to CUIC Section 140.5. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program.
23	Clint D. Robison, Public hearing, October 15, 2003, Exhibit 2-c, pg. 7, 3rd par. October 15, 2003, hearing transcript pg. 39 lines 8-23.	part time workers	Commentator states regulations do not comply with California law because they lack clarity in relation to part time workers and are inconsistent with FMLA and CFRA.	

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23	Clint D. Robison, letter dated October 14, 2003, pg. 7 4th par	part time workers	Regulations create a disparity in the amount of coverage provided part-time employees as provided under FMLA/CFRA.	The enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond pursuant to CUI Section 140.5.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 14 lines 22-23, Exhibit 1a September 15, 2003 hearing pg. 3, 2nd bullet	part time workers	Regulations do not limit leave or part time workers the way other rules do.	
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 1st par.	part time workers	Regulations provide the same leave benefits to part-time workers as to full-time workers.	
23	Clint D. Robison, October 15, 2003, hearing transcript, pg. 39, lines 3-7	part time workers	Commentator recommends inserting language and examples to assist administrators and employers to determine when a part time employee is entitled to benefits.	
23	Clint D. Robison, letter dated October 14, 2003, pg. 7 3rd par, Public Hearing October 15, 2003, Exhibit 2-c, pg. 6, 6th par.	part time workers	The regulations do not clarify how a part-time employee's eligibility is determined.	
23	Clint D. Robison, letter dated October 14, 2003, pg. 7 4th par; Public Hearing October 15, 2003, Exhibit 2-c, pg. 6, 6th par.; October 15, 2003, hearing transcript pg. 38, lines 12-25 and pg. 39, lines 1-2.	part time workers	Commentator asks how the rate for coverage benefits for part-time workers is to be calculated.	
23	Clint D. Robison, letter dated October 14, 2003, pg. 7 4th pa; Public hearing October 15, 2003, Exhibit 2-c, pg. 7, 1st par.	part time workers	Regulations make no reference to part-time employees.	
23	Clint D. Robison, letter dated October 14, 2003, pg. 7 3rd par; Public Hearing October 15, 2003, Exhibit 2-c, pg. 6, 6th par.; October 15, 2003, hearing transcript pg. 37, line 25 and pg. 38, lines 1-11.	part time workers	The regulations appear to provide the same leave benefits to part-time workers as to full-time workers.	

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14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 1 #1e & 1f	part time workers	Regulations do not address whether part-time or temporary employees are covered under PFL.	The enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond pursuant to CUI Section 140.5.
5	Julianne Broyles letter dated October 15, 2003, Pg.2, 6th par, October 15, 2003 hearing transcript pg. 12 lines 3-14	part time workers	Regulations appear to double leave time for part time employees and do not provide for pro rata increments.	The enacting statutes do not differentiate between part-time and full-time workers. Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond pursuant to CUI Section 140.5, whether on a full time or intermittent basis.
23	Clint D. Robison, letter dated October 14, 2003, pg. 8 2nd par; Public hearing, October 15, 2003, Exhibit 2-c, pg. 7, 3rd par.	part time workers	Regulations fail to adequately inform full and part-time employees of their rights.	Regulations are not necessary and would be duplicative of Section 1089-1 of Title 22, and CUI Sections 2613 and 2706.
10	Mike Falasco, via fax, dated October 15, 2003, Pg. 1, 6th par.	part time workers	FTDI provides the same benefits to all workers, regardless of hours worked.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 12 lines 5-7	PDL	Regulations do not address the interplay with PDL.	The enacting statutes do not grant the Department the authority to promulgate regulations regarding PDL, a leave program for pregnancy-related disabilities. PFL is a wage replacement benefit for purposes of bonding or providing care.
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 3 #5a	physician license	Regulations do not address how to verify the license status of physicians.	Such regulations are not necessary to implement, interpret, or make specific the enacting statutes.
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, Pg. 3, 5th par	proof of relationship	Regulations do not require verification of worker eligibility or proof of actual (family) relationship.	Section 2706-2(d)(12) was amended to incorporate this suggestion.
23	Clint D. Robison, letter dated October 14, 2003, pg. 8 6th bullet; Public Hearing October 15, 2003, Exhibit 2-c, pg. 8, 1st bullet. October 15, 2003, hearing transcript pg. 40, lines 22-25 and pg. 41, lines 1-3.	proof of relationship	Regulations do not require proof of relationship.	
23	Clint D. Robison, letter dated October 14, 2003, pg. 8 6th bullet; Public Hearing October 15, 2003, Exhibit 2-c, pg. 8, 1st bullet. October 15, 2003, hearing transcript pg. 40, lines 22-25 and pg. 41, lines 1-3.	proof of relationship	Regulations do not specify how EDD will validate proof of relationship.	The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection.



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10	Mike Falasco, via fax, dated October 15, 2003, Pg. 1, 4th par.	psychological comfort	Psychological comfort is an undefined term that invites abuse.	Regulations are not necessary because the enacting statutes do not differentiate between physical assistance and psychological comfort as long as the care recipient has a serious health condition supported by the medical certificate pursuant to CUIC Section 2708(b)(5).
10	Mike Falasco, via fax, dated October 15, 2003, Pg. 1, 6th par.	psychological comfort	FTDI's "psychological comfort" term is in neither CFRA or FMLA.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
16	Nancy Leonard, e-mail dated October 15, 2003, page 1, 5th paragraph and page 2 1st paragraph	PTO	Regulations do not clarify whether the employer can require the use of PTO in lieu of vacation pay.	Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303.1(c)-1 (formerly Section 3303(g)-1) was amended to illustrate the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave.
1	Julia Beck October 15, 2003 hearing Exhibit 1c, pg. 2, 4th par, October 15, 2003 hearing transcript pg. 7 lines 16-24	PTO	Regulations should be amended to include PTO as vacation pay.	
13	Irma D Herrera, via fax dated October 15, 2003, Pg.8, 4th par	PTO	Regulations discuss vacation pay but are silent on unspecified time off. SB 1661 specifically includes "vacation leave" but not "paid time off" or any other accrued leave.	
14	Barbara W. Jones, e-mail dated October 13, 2003 Pg. 5 #10b	PTO	Regulations do not address whether the employer may require the use of PTO in lieu of vacation pay.	
9	Melissa Corjay, e-mail dated October 15, 2003, page 1, 6th paragraph	PTO	Regulations do not address whether PTO is considered the same as vacation.	
5	Julianne Broyles letter dated October 15, 2003, Pg. 3, 3rd par	PTO	Regulations do not include a discussion on the use of personal time off (PTO) benefits.	
25	Robert Trotta September 23, 2003 hearing transcript pg. 22 lines 12-25	PTO	Regulations are silent regarding the relationship between paid time off programs and vacation.	

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6	Julie Burbank, via e-mail dated October 15, 2003, Pg. 1, 4th par.	PTO	Commentator asks how does above analysis [an employer provides 10 days of sick time of which 5 days must be available for care of a sick child] change if an employer provides 10 days of PTO that may be taken for any purpose versus 10 days of sick time.	Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303.1(c)-1 (formerly Section 3303(g)-1) was amended to illustrate the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave.
4	Yvonne Breiter, representing Mercer Human Resource Consulting, via e-mail dated October 15, 2003, Pg. 1, 1st par.	PTO	SB 1661 indicates employers may require the use of up to two weeks of vacation prior to the beginning of FTDI benefits. SB 1661 does not address if employers can also request the use of PTO when it includes both incidental and vacation benefits.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
21	Tom Rankin letter dated October 15, 2003. Pg. 7, 3rd par	PTO	Commentator states that in enacting SB 1661 the legislature specifically included the term vacation leave but not the terms paid time off or other accrued leave.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
4	Yvonne Breiter, via e-mail dated October 15, 2003, Pg. 2, 1st par.	SDI	SB 727 does not address how benefits will coordinate with SDI when a claimant exhausts SDI benefits and requests FTDI benefits.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
7	Deborah Callahan, letter dated October 9, 2003, page 2, 2nd paragraph	SDI	Regulations do not address how PFL benefits affect state disability and company disability programs.	Regulations to address the SDI conflict are not necessary and would be duplicative of CUIC Section 3303.1(a)(3).
26	Steve Van Dorn, via e-mail dated October 8, 2003, Pg. 1, 1st par.	SDI/UI	Regulations are silent on the interaction between FTDI and UI or SDI benefits.	Regulations to address the SDI and UI conflicts are not necessary and would be duplicative of CUIC Sections 3303.1(a)(3) and 3303.1(a)(1).
9	Melissa Corjay, e-mail dated October 15, 2003, page 2, 1st paragraph	sick leave	Regulations do not address that sick leave conflicts with PFL benefits.	Regulations are not necessary because Section 3302-1(t) defines "regular wages." In conjunction with CUIC Section 2656, sick leave is regular wages which conflict with the receipt of benefits.

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5	Julianne Broyles September 23, 2003, hearing transcript pg. 9 lines 16-23	small business	Regulations add to costs of regulatory compliance for small business.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on small businesses.
23	Clint D. Robison, letter dated October 14, 2003, page 5, 5th paragraph; Public Hearing October 15, 2003, Exhibit 2-c, pg. 5, 3rd par.4 October 15, 2003, hearing transcript pg. 34, lines 24-25 and pg. 35, lines 1-15.	small business	Regulations do not address the adverse economic impact on business of no employer notification which would be especially harmful to small businesses.	It is beyond the scope of the Department's statutory authority to require anything more than that the notice in CUIC Section 2613 instruct the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a PFL claim as provided in CUIC Section 2707. The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on small businesses.
19	David K Milton, via letter dated September 25, 2003, Pg. 1, 3rd par.	small business	Regulations will substantially impact small business.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
26	Steve Van Dorn, representing Santa Clara Chamber of Commerce & Convention-Visitors Bureau, via e-mail dated October 8, 2003, Pg. 1, 1st par.	small business	Regulations fail to anticipate and address the effect of the FTDI program on small businesses, due to increased unscheduled and unplanned absences of workers.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the FTDI program. Thus, these regulations do not by their terms impose any costs on small businesses.
23	Clint D. Robison, letter dated October 14, 2003, page 2, 2nd paragraph, Public Hearing October 15, 2003, Exhibit 2-c, pg. 2, 3rd par.; October 15, 2003, hearing transcript pg. 27, lines 14-16.	small business	Regulations do not address the disproportionate impact the law will have on small businesses.	The regulations were drafted to implement, interpret, and make specific the various statutes which created the FTDI program. Thus, these regulations do not by their terms impose any costs on small businesses.

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23	Clint D. Robison, Public Hearing, October 15, 2003, Exhibit 2-c, pg. 3, 5th par., October 15, 2003 hearing transcript pg. 30 lines 23-25 and pg. 31 1-2.	small business	The proposed regulation does not contain any of the limitations set forth in other leave of absence legislation, nor does it delineate the size of business which must participate. Small business does not have a pool of employees to cover those taking extended leaves of absence.	The enacting statutes do not grant the Department the authority to promulgate regulations to delineate the size of business covered by the FTDI program.
5	Julianne Broyles representing California Chamber of Commerce, via letter dated October 15, 2003, Pg. 1, 3rd par, in September 15, 2003 hearing transcript pg. 8 line 13, pg. 9 lines 13-20, October 15, 2003 hearing transcript pg. 22 lines 16-18, Exhibit 1a September 15, 2003 hearing, pg. 1 3rd par	small business	The FTDI program fails to provide an exemption for small businesses.	
5	Julianne Broyles September 23, 2003, hearing transcript pg. 12 lines 10-16	small business	Regulations fail to address employer size requirement present in FMLA/CFRA.	
5	Julianne Broyles letter dated October 15, 2003, Pg. 6 & 7, last & 1st par, in September 15, 2003 hearing transcript pg. 8 line 13, October 15, 2003 hearing transcript pg. 10 line 12-13	small business	The regulations fail to provide an exemption for small businesses from the FTDI program.	
5	Julianne Broyles September 15, 2003, hearing transcript pg. 9 lines 8-12	small business	Regulations do not address the effect on California's small business work environment due to severe disruptions, probable job loss and unplanned absences.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles September 23, 2003, hearing transcript pg. 9 lines 13-15	small business	Commentator states that California's small businesses always bear the brunt of ill-advised rulemaking.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
5	Julianne Broyles October 15, 2003, hearing transcript pg. 22 lines 1-15	small business	Commentator recommends that EDD review three studies on the impact of regulatory costs to small business.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.

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5	Julianne Broyles October 15, 2003, hearing transcript pg. 23 lines 19-24, Exhibit 1a September 15, 2003 hearing pg. 2, 2nd bullet	small business	Commentator states that protections that exist under state and federal leave laws for large employers do not exist for small companies in California.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
21	Tom Rankin letter dated October 15, 2003. Pg. 6, par 4 & 5	small business	The commentator argues that the Department may not draft regulations that exclude small business or treat employees of small business differently because in enacting SB 1661, the legislature specifically intended the FTDI program to apply to all workers.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
13	Irma D Herrera, via fax dated October 15, 2003, Pg.7, 6th par.	small business	Any opposition to the proposed regulations that criticizes the program for applying to workers whose employers have fewer than 50 employees is misguided. The program is for all employees who pay into SDI.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
20	John M. Polson via letter dated October 14, 2003, page 1, 2nd paragraph	small business	Commentator expresses concern that if FTDI is expanded beyond its original scope it will create a burden on small businesses.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
20	John M. Polson, letter dated October 14, 2003, page 2, 2nd paragraph	small business	Commentator states that the regulations failure to clarify that PFL is not an entitlement program could lead to expensive litigation thus causing a significant burden on small businesses.	The regulations were amended to delete any references to entitlement.
5	Julianne Broyles October 15, 2003, hearing transcript pg. 18 lines 9-10, Exhibit 1a September 15, 2003 hearing pg. 3, 3rd bullet	state impact	Commentator states it is inappropriate to transfer control of leave programs to the state.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles September 15, 2003, hearing transcript pg. 11 lines 5-8	state impact	Commentator states that it is almost a sure thing that the program costs will increase.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles via Exhibit 1a September 15, 2003 hearing pg. 4, 2nd par	state impact	Commentator states that lack of planning and public disclosure sets the state up for an administrative nightmare.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.

**Final Statement of Reasons--Family Temporary Disability Insurance  
Addendum III 45-Day Public Comment Period**

10	Mike Falasco via fax, dated October 15, 2003, Pg. 1, 2nd par.	state impact	EDD staff will be burdened trying to process and certify the accuracy of FTDI claims.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles via Exhibit 1a, September 15, 2003 hearing pg. 4, 1st bullet	state impact	Commentator states that regulations demonstrate the state's unpreparedness to administer the program.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
11	Vicki Farrell September 15, 2003 hearing transcript pg. 17 lines 1-6	supports program	Commentator strongly supports the FTDI program.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
2	Donna Benton October 15, 2003 hearing Exhibit 4c pg. 1, October 15, 2003 hearing transcript pg. 45 lines 15-17	supports program	Commentator is proud that California is furthering its commitment to family caregivers of this State.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
2	Donna Benton October 15, 2003 hearing transcript pg. 47 line 11-14	supports program	Commentator states that this new insurance will help workers meet the obligations of family and work.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
2	Donna Benton October 15, 2003 hearing transcript pg. 47 lines 15-17	supports program	Commentator states the program has significant cost savings.	Pursuant to Government Code § 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action.
5	Julianne Broyles October 15, 2003, hearing transcript pg. 11 lines 12-16, pg. 24 lines 2-3, letter dated October 15, 2003, Pg. 2, 3rd par	vagueness	Commentator states regulations lack clarity because they contain new terms and require undefined levels of compliance.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
23	Clint D. Robison, Public Hearing October 15, 2003, Exhibit 2-c, pg. 2, 7th par; October 15, 2003, hearing transcript pg. 26, lines 15-18.	vagueness	Commentator states regulations are vague and inconsistent and will lead to immense confusion.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.
23	Clint D. Robison, letter dated October 14, 2003, page 2, 2nd paragraph; Public Hearing October 15, 2003, Exhibit 2-c, par. 3; October 15, 2003, hearing transcript pg. 27, lines 16-20.; hearing transcript pg. 28, lines 10-11.	vagueness	Regulations have significant gaps and are vague thus making enforcement very difficult.	The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes.